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Washington, D. C.

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INSTITUTE FOR GOVERNMENT RESEARCH

SERVICE MONOGRAPHS  
OF THE  
UNITED STATES GOVERNMENT  
No. 48

THE  
OFFICE OF INDIAN AFFAIRS  
ITS HISTORY, ACTIVITIES  
AND ORGANIZATION

BY  
LAURENCE F. SCHMECKEBIER

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## FOREWORD

The first essential to efficient administration of any enterprise is full knowledge of its present make-up and operation. Without full and complete information before them, as to existing organization, personnel, plant, and methods of operation and control, neither legislators nor administrators can properly perform their functions.

The greater the work, the more varied the activities engaged in, and the more complex the organization employed, the more imperative becomes the necessity that this information shall be available—and available in such a form that it can readily be utilized.

Of all undertakings, none in the United States, and few, if any, in the world, approach in magnitude, complexity, and importance that of the national government of the United States. As President Taft expressed it in his messages to Congress of January 17, 1912, in referring to the inquiry being made under his direction into the efficiency and economy of the methods of prosecuting public business, the activities of the national government "are almost as varied as those of the entire business world. The operations of the government affect the interest of every person living within the jurisdiction of the United States. Its organization embraces stations and centers of work located in every city and in many local subdivisions of the country. Its gross expenditures amount to billions annually. Including the personnel of the military and naval establishments, more than half a million persons are required to do the work imposed by law upon the executive branch of the government.

"This vast organization has never been studied in detail as one piece of administrative mechanism. Never have the foundations been laid for a thorough consideration of the relations of all of its parts. No comprehensive effort has been made to list its multifarious activities or to group them in such a way as to present a clear picture of what the government is doing. Never has a complete description been given of the agencies through which these activi-

ties are performed. At no time has the attempt been made to study all of these activities and agencies with a view to the assignment of each activity to the agency best fitted for its performance, to the avoidance of duplication of plant and work, to the integration of all administrative agencies of the government, so far as may be practicable, into a unified organization for the most effective and economical dispatch of public business."

To lay the basis for such a comprehensive study of the organization and operations of the national government as President Taft outlined, the Institute for Government Research has undertaken the preparation of a series of monographs, of which the present study is one, giving a detailed description of each of the fifty or more distinct services of the government. These studies are being vigorously prosecuted, and it is hoped that all services of the government will be covered in a comparatively brief space of time. Thereafter, revisions of the monographs will be made from time to time as need arises, to the end that they may, as far as practicable represent current conditions.

These monographs are all prepared according to a uniform plan. They give: first, the history of the establishment and development of the service; second, its functions, described not in general terms, but by detailing its specific activities; third, its organization for the handling of these activities; fourth, the character of its plant; fifth, a compilation of, or reference to, the laws and regulations governing its operations; sixth, financial statements showing its appropriations, expenditures and other data for a period of years; and finally, a full bibliography of the sources of information, official and private, bearing on the service and its operations.

In the preparation of these monographs the Institute has kept steadily in mind the aim to produce documents that will be of direct value and assistance in the administration of public affairs. To executive officials they offer valuable tools of administration. Through them, such officers can, with a minimum of effort, inform themselves regarding the details, not only of their own services, but of others with whose facilities, activities, and methods it is desirable that they should be familiar. Under present conditions services frequently engage in activities in ignorance of the fact that the work projected has already been done, or is in process of execution by other services. Many cases exist where one service could

make effective use of the organization, plant or results of other services had they knowledge that such facilities were in existence. With the constant shifting of directing personnel that takes place in the administrative branch of the national government, the existence of means by which incoming officials may thus readily secure information regarding their own and other services is a matter of great importance.

To members of Congress the monograph should prove of no less value. At present these officials are called upon to legislate and appropriate money for services concerning whose needs and real problems they can secure but imperfect information. That the possession by each member of a set of monographs such as is here projected, prepared according to a uniform plan, will be a great aid to intelligent legislation and appropriation of funds can hardly be questioned.

To the public, finally, these monographs will give that knowledge of the organization and operations of their government which must be had if an enlightened public opinion is to be brought to bear upon the conduct of governmental affairs.

These studies are wholly descriptive in character. No attempt is made in them to subject the conditions described to criticism, nor to indicate features in respect to which changes might with advantage be made. Upon administrators themselves falls responsibility for making or proposing changes which will result in the improvement of methods of administration. The primary aim of outside agencies should be to emphasize this responsibility and facilitate its fulfillment.

While the monographs thus make no direct recommendations for improvement, they cannot fail greatly to stimulate efforts in that direction. Prepared as they are according to a uniform plan, and setting forth as they do the activities, plant, organization, personnel and laws governing the several services of the government, they will automatically, as it were, reveal, for example, the extent to which work in the same field is being performed by different services, and thus furnish the information that is essential to a consideration of the great question of the better distribution and coördination of activities among the several departments, establishments, and bureaus, and the elimination of duplication of plant, organization and work. Through them it will also be possible to

subject any particular feature of the administrative work of the government to exhaustive study, to determine, for example, what facilities, in the way of laboratories and other plant and equipment, exist for the prosecution of any line of work and where those facilities are located; or what work is being done in any field of administration or research, such as the promotion, protection and regulation of the maritime interests of the country, the planning and execution of works of an engineering character, or the collection, compilation and publication of statistical data, or what differences of practice prevail in respect to organization, classification, appointment, and promotion of personnel.

To recapitulate, the monographs will serve the double purpose of furnishing an essential tool for efficient legislation, administration and popular control, and of laying the basis for critical and constructive work on the part of those upon whom responsibility for such work primarily rests.

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# THE OFFICE OF INDIAN AFFAIRS

## ITS HISTORY, ACTIVITIES, AND ORGANIZATION

### CHAPTER I

#### HISTORY

The Office of Indian Affairs is a bureau of the Department of the Interior and has under its direction the affairs of all Indian tribes in so far as Congress has provided for control over tribal property and funds. It also has charge of the property, economic advancement, education, and health of all individual Indians who are members of tribes under the tutelage and protection of the national government, and who have not been declared competent to manage their own affairs.

Included in the classification "Indian" and formerly under the direction of the Office of Indian Affairs, were the "freedmen" or former negro slaves of the Cherokees, Choctaws, Creeks, Chickasaws, and Seminoles in Oklahoma.

The Office of Indian Affairs has nothing to do with individual Indians who have abandoned the tribe and taken up their residence outside of the bounds of the so-called Indian country, except in so far as such Indians may be entitled to shares in the property of the tribe. It has nothing to do with the natives of Alaska, who have never been regarded as Indians and over whom the government has not exercised the same control and supervision.

The history of the Office of Indian Affairs is practically the history of the Indian policy of the United States. The main features of this policy are discussed in the following pages, but no attempt has been made to give an account of the dealings with the separate tribes, except as illustrations of the general course pursued. However, there is given separately a more detailed account of the deal-

ings with the so-called "Five Civilized Tribes"—the Cherokees, Chickasaws, Creeks, Choctaws, and Seminoles—as these Indians were usually excepted from general legislation, and specific provision was made for their affairs. Indian wars are not discussed except as they may have affected the general Indian policy.

The Indian policy of the government falls into three periods: (1) The Treaty Period up to 1871; (2) the Reservation Period from 1871 to 1887; and (3) the Allotment and Citizenship Period from 1887 to the present time. With the exception of the Treaty Period this classification must not be applied too strictly, as reservations were maintained and allotments of land in severalty made in all three of these periods. Up to 1871 all relations with Indian tribes were generally governed by means of formal treaties ratified by the Senate in the same manner as treaties with foreign nations. To this there were some notable exceptions; particularly in the case of the California Indians, with whom treaties were made which were never ratified and consequently never went into effect. During the Reservation Period, from 1871 to 1887, the outstanding feature of government policy was to segregate the Indians on reservations with definite limits and to keep them quiet through the issue of rations; during this period, also, first serious attempts were made to educate the Indians. The Allotment Period, from 1887 to the present time, is characterized by the allotment of land in severalty to individual Indians, by the breaking up of tribal relations, and by an endeavor to make the individual Indian competent to manage his own affairs.

**Reasons for Control of Indian Affairs by the United States.** Before the history and activities of the Office of Indian Affairs are discussed it seems advisable to state briefly the controlling reasons why it has been necessary for the United States to engage in this work. The constitutional basis for the work of the Indian Service is contained in the third clause of Section 8 of Article 1, which confers on Congress power "To regulate Commerce with Foreign Nations, and among the several States, and with the Indian Tribes." When the Constitution was adopted and for many years thereafter, the relations of the government were with the Indians as tribes, the Indians being regarded as domestic dependent nations. Later it was recognized to be within the power of the United States to

pass laws for the benefit of the individuals of these dependent peoples, but as stated by the Supreme Court:

The relation of the Indian tribes living within the borders of the United States, both before and since the Revolution, to the people of the United States has always been an anomalous one and of a complex character.<sup>1</sup>

One of the primary factors governing Indian relations was the nature of the Indian title, which from the earliest times was recognized to be one of occupancy, with the ultimate fee in the Crown and colony and later in the United States. As early as 1810 the Supreme Court held "that the nature of the Indian title, which is certainly to be respected by all courts, until it is legitimately extinguished, is not such as to be absolutely repugnant to seisin in fee on the part of the State."<sup>2</sup> The character of the title was established for all time in 1823 by the Supreme Court in the case of *Johnson and Graham's Lessee v. McIntosh*. In the decision by Chief Justice Marshall, which contained an exhaustive review of the practice of the colonies, it was said:

On the discovery of this immense continent, the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. Its vast extent offered an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendancy. The potentates of the old world found no difficulty in convincing themselves, that they made ample compensation to the inhabitants of the new, by bestowing on them civilization and Christianity, in exchange for unlimited independence. But as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements, and consequent war with each other, to establish a principle, which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated, as between themselves. The principle was, that discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession. . . .

In the establishment of these relations, the rights of the original inhabitants were, in no instance, entirely disregarded; but were,

<sup>1</sup> *United States v. Kagama*, 118 U. S. 381 (1886).

<sup>2</sup> *Fletcher v. Peck*, 6 Cranch 142 (1810).

necessarily, to a considerable extent, impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil, at their own will, to whomsoever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those who made it. While the different nations of Europe respected the right of the natives, as occupants, they asserted the ultimate dominion to be in themselves; and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil, while yet in possession of the natives. These grants have been understood by all, to convey a title to the grantees, subject only to the Indian right of occupancy.

\* \* \* \*

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold, and assert in themselves, the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest; and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise. The power now possessed by the government of the United States to grant lands, resided, while we were colonies, in the crown or its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with and control it. An absolute title to lands cannot exist, at the same time, in different persons, or in different governments. An absolute, must be an exclusive, title, or at least a title which excludes all others not compatible with it. All our institutions recognize the absolute title of the crown, subject only to the Indian right of occupancy, and recognize the absolute title of the crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians.

\* \* \* \*

. . . However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land, and cannot be questioned. So too, with respect to the concomitant principle, that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the possession of their lands, but to be deemed

incapable of transferring the absolute title to others. However this restriction may be opposed to natural right, and to the usages of civilized nations, yet, if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by courts of justice.<sup>8</sup>

Formally at least the government has scrupulously regarded the Indian right of occupancy, with the exception of the California Indians, and lands have not been opened to settlement or occupied for government purposes until the Indian title has been extinguished. In the early treaties are frequent references to tracts in the Indian country ceded to the government for its own use as military posts or trading stations. Thus, the treaty of 1795 with the tribes north of the Ohio River enumerated sixteen parcels of land in the Northwest Territory to be used for military posts. If passage by land or water through the Indian country was desired, specific grants were made by treaty.

. . . In some instances the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. . . .<sup>9</sup>

While the government recognized the validity of the Indian title it was often powerless to enforce the rights of the Indians against the frontier settlers, and many of the conflicts resulted from unlawful trespass by the whites and the recourse to force by the Indians.

The right of occupancy was originally the sole title of the Indian to the land, but later, in consideration of cessions of lands, title in fee simple was passed to certain tribes, particularly the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles. This was not in conflict with the original principle that the primary title of the Indian was confined to occupancy. It merely indicated that the government considered it good policy to pass a title in fee to land which it already held in fee and to which the original Indian right

<sup>8</sup> Wheaton 572-90.

<sup>9</sup> Madison, Annual Message, December 3, 1816



of occupancy had been extinguished. Most of these fee grants to the tribes, however, contained a provision that the fee should revert to the United States if the tribe became extinct. Still later, when the principle of allotment in severalty was adopted and the land divided among the individual Indians, the tribal title was extinguished and titles in fee passed to the individuals of the tribe. This process is still going on, the patent being held in trust by the government if the Indian is incompetent to manage his affairs.<sup>6</sup>

The power exercised by the United States has been confined to what was the frontier in 1789 and the region to the west of it, the early treaties and statutes having established a definite line between the states on the east and the Indian country on the west, as was stated by Chief Justice Marshall.

The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the States; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. . . .<sup>7</sup>

The theory of the complete separation of the Indian Territory from that of the states accounts for the fact that Congress did not legislate for or treat with the Indians within the thirteen original states who were not on the frontier. The principles here appear to be somewhat hazy, and as was said in *Karrahoo v. Adams*, the relations which the Indians "bear respectively to the State and to the National Government are very peculiar and frequently present difficult and perplexing questions."<sup>8</sup> In several of the original states there were scattered bands concerning which the states have legislated and while no case involving tribal Indians east of the frontier in the original states seems to have been taken to the Supreme Court, it appears to be generally agreed that if Congress does not exercise its power, the states may act. The constitutional power was not clearly defined, and "was a dead letter until the treaties and laws of the United States pointed out the principles of this intercourse."<sup>9</sup> Thus, Congress has never attempted to legislate for or to make treaties with the Indians in Maine; on the other hand

<sup>6</sup> See page 148.

<sup>7</sup> *Worcester v. Georgia*, 6 Peters 557 (1832).

<sup>8</sup> 1 Dillon 347 (1870).

<sup>9</sup> *Glasgow v. Smith*, 1 Overton, Tenn. 167 (1805).

numerous treaties were made with the southern tribes occupying the frontier in western North Carolina and South Carolina and northwestern Georgia.<sup>a</sup> The powers of Congress have, therefore, been exercised only in the "Indian country," but what constitutes "Indian country" is a matter for determination by Congress itself. Several Maine cases illustrate the practice, but throw little light on the principles. Thus, it was said:

"The Indian tribes" referred to [in the constitution], were those tribes which were in a condition to determine for themselves with

<sup>a</sup> As regards the thirteen original states, the United States now exercises supervision over Indians only in New York and North Carolina, the tracts inhabited by these Indians having been on the frontier in 1789. In New York there is both national and state supervision, the United States paying an annuity and the state supplying educational facilities. The legal status of these Indians and their lands presents complex questions which have never been finally determined. Some of the questions regarding the New York Indians are discussed briefly in the Annual Report of the Board of Indian Commissioners, 1924, pp. 6, 20-23.

In North Carolina the Cherokee Indians are entirely under the control of the United States, being the remnants of the Cherokees who went west about a century ago. See Annual Report of the Board of Indian Commissioners, 1924, pp. 31-32. In North Carolina also is another band, the so-called Croatan Indians, who claim to be the descendants of Sir Walter Raleigh's Lost Colony. They were given the name of "Cherokee Indians of Robeson County," by an act of the legislature passed in 1913. Neither the United States nor the state exercises any supervision over them. They are said to be self-supporting.

Only four states—Maine, Connecticut, Virginia, and South Carolina—at present make any special provision for Indians or maintain Indian reservations. The Maine, Virginia, and South Carolina Indians are discussed briefly in the Annual Report of the Board of Indian Commissioners, 1924, pp. 5-6.

The following information is taken largely from a manuscript report by a Committee of the Board of Indian Commissioners, made available through the courtesy of the Secretary of the Board.

Connecticut makes an appropriation for the benefit of the Schaghticoke tribe. The Massachusetts Indians, with the exception of the Mashpee and Gay Head tribes, were allotted land in severalty by the State in 1869, and made citizens. In Rhode Island the land of the Narragansetts was purchased by the state in 1881, and the Indians made citizens. In New Jersey the last of the Indian tribes, the Brotherton, sold their land to the state in 1832, and were moved to the west. Georgia enacted considerable legislation regarding the Indians prior to the removal of the Cherokees in 1838 (see page 32), but as all the Indians were removed at that time there has apparently been no need for later legislation. There does not appear to have been any state legislation of moment concerning the Indians in New Hampshire, Pennsylvania, Delaware, and Maryland.

whom they would have commerce, or in a condition to have Congress determine it for them, and not those small tribes or remnants of tribes yet denominated tribes, which had before that time and have ever since continued to be under the control and guardianship of a State, and were without the power to carry on commerce or trade, except by permission and under the regulation of State laws.<sup>10</sup>

Again, the court ruled as follows :

Whatever the status of the Indian tribes in the west may be, all the Indians of whatever tribe, remaining in Massachusetts and Maine, have always been regarded by those States and by the United States as bound by the laws of the State in which they live. Their position is like that of those Cherokees who remained in North Carolina.<sup>11</sup>

With the exception of the New York Indians and the southern tribes in North Carolina, South Carolina, and Georgia, the theater of Indian relations was entirely in new states established by the authority of the national government, which also held the fee to the land subject to the Indian right of occupancy. In this region the right of Congress to legislate for the protection of both the individual and the tribe has been challenged repeatedly, but never successfully. A long line of decisions has upheld the paramount power of Congress to legislate even after the tribal organizations had been broken up and allotments made in severalty. Mr. Justice Miller, speaking for the Supreme Court, said :

The power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary for their protection, as well as to the safety of those among whom they dwell. It must exist in the government, because it never has existed anywhere else, because the theatre of its exercise is within the geographical limits of the United States, because it has never been denied, and because it alone can enforce its laws on all the tribes.<sup>12</sup>

The constitutional power of Congress to regulate commerce with the Indian tribes must be given its widest significance, as commerce includes intercourse of every character between whites and

<sup>10</sup> Moore v. Veazie, 32 Maine 366 (1850).

<sup>11</sup> State v. Newell, 84 Maine 466 (1892).

<sup>12</sup> United States v. Kagama, 118 U. S. 384 (1886).

Indians as well as between Indians themselves," and the term "Indian" means the individual as well as the group." Nor does the conferring of citizenship "necessarily end the right or duty of the United States to pass laws in their interest as a dependent people,"<sup>28</sup> and neither "the constitution of the State nor any act of its legislature . . . can withdraw them [the Indians] from the influence of an act of Congress which that body has the constitutional right to pass concerning them."<sup>29</sup>

Congress has decided that the end of governmental control over the individual Indian is reached when a patent in fee to his allotment is issued, or when the restrictions on the alienation of his land are removed. This is the logical point for ending the relation, as the Indian is supposed to be competent to manage his own affairs when this action is taken.

The ethical reasons underlying the activities of the United States on behalf of the Indians are the need of preparing him for an economic system entirely foreign to his previous condition, the fact that unless protected he is likely to be defrauded by his white neighbor, and the circumstance that as the several states are not allowed to tax Indian property held by the United States in trust, they cannot be expected to expend state funds for Indian benefit.

In their primitive state the Indians were primarily hunters. While probably all tribes engaged in agriculture to some extent, there were only a few which had made any marked progress in this direction. They knew nothing of a written language, of a monetary system, of private property, and of the other factors which are characteristic of modern industrial society. Their wants were simple and generally easily supplied, although at times they were decimated by famine; "as the white population advanced, that of the Indians necessarily receded; the country in the immediate neighborhood of agriculturists became unfit for them; the game fled into thicker and more unbroken forests, and the Indians followed."<sup>30</sup> The movement of the Indian away from the settlements

<sup>28</sup> *United States v. Bridleman*, 7 Sawyer 247 (1881).

<sup>29</sup> *United States v. Holliday*, 3 Wallace 417 (1865).

<sup>30</sup> *Hallowell v. United States*, 221 U. S. 324 (1911).

<sup>31</sup> *United States v. Holliday*, 3 Wallace 419 (1865).

<sup>32</sup> Chief Justice Marshall in *Johnson and Graham's Lessee v. McIntosh*, 8 Wheaton 590 (1823).

was due not only to economic conditions, but also to the deliberate policy of the government to make the land available to white settlers. In 1854 the Senate Committee on Indian Affairs made the following comment on the removals:

. . . Over and over again, in the most solemn manner, we have guarantied to nation after nation such of its lands as remained to it, after we had cajoled or forced it into a cession; and, as often, after the lapse of a few short years, has the wave of white population again overtaken the same hapless people, forcing it ever westward, and by new negotiations, new appliances of money, and presents to corrupt and greedy chiefs, and new threats of leaving them to the tender mercies of state sovereignty, another and another cession of land has been extorted, until the last grave of their fathers was included in the field of a stranger.<sup>18</sup>

But there came a time when the Indians were pressed on all sides by the white population, and the removal policy was largely abandoned because there was no place to which they might be moved. Instead, the limits of the tracts assigned to them were still more circumscribed.

These people were originally the owners of the continent. Through no volition of their own, but owing to economic and political forces over which they had no control, they have been encompassed by a social, economic, and political system for which they had no preparation. To give them sufficient instruction in letters and the useful arts to enable them to cope with the conditions of modern life, has been regarded as a debt due to them by the United States.

The Indian being child-like and ignorant of the simple principles of business, it has also been felt to be the duty of the government to protect him in the possession of his property. In 1885 Mr. Justice Miller characterized the duty of the government as follows:

. . . Because of the local ill feeling, the people of the States where they [the Indians] are found are often their deadliest enemies. From their weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power. . . .<sup>19</sup>

<sup>18</sup> 33 Cong. 1 sess, S. rep. 379, p. 6.

<sup>19</sup> United States v. Kagama, 118 U. S. 384 (1886).

In the generation that has passed since this statement was made the white neighbors have ceased to be deadly enemies in the physical sense, but in too many places they are deadly enough as regards the Indian's property. It is not true that all communities near the Indian are indifferent to his welfare, but it is an unfortunate fact that the Indian is too often regarded as legitimate prey and that public opinion is indifferent to the wrongs perpetrated upon him. If the Indian alone were to be considered, the problem would be difficult, but when the white man is interjected, it becomes more complex, as was pointed out by Commissioner Morgan in 1891:

In our judgment of the Indian and of the difficulties of the Indian question, we should remember that the most perplexing element in the problem is not the Indian, but the white man. The white man furnishes the Indians with arms and ammunition; the white man provides him with whiskey; the white man encroaches upon his reservation, robs him of his stock, defrauds him of his property, invades the sanctity of his home, and treats him with contempt, thus arousing within the Indian's breast these feelings of a sense of wrong, and dishonor, and wounded manhood that prepares him to vindicate his honor and avenge his wrongs.<sup>20</sup>

The third reason why the United States is obligated to look after the Indian is the fact that tribal land and allotments held in trust are exempt from state and local taxation. Outside of any question of law and equity, it is manifestly impossible to tax land occupied in common by people with so little economic development. The taxation of allotments held in trust by the United States is likewise impracticable, without regard to the legal side, as taxation necessarily involves the power to sell for non-payment, which would defeat the primary purpose of trust—that the property should be inalienable. The United States could pay each state a lump sum in lieu of taxes, and turn over to it the management of Indian affairs within its borders. This would not reduce the expense to the United States, and would probably lead to dissatisfaction.

**Treaty Period, up to 1871.** The Treaty Period embraced the time from the earliest settlements to the act of March 3, 1871, which prohibited further treaties. This period witnessed most of

<sup>20</sup> T. J. Morgan, *The present phase of the Indian question*, p. 20 (1891).

the Indian wars and the removal of most of the eastern Indians to the country west of the Mississippi.

*The Colonies.* When the first settlements were made by Europeans it was the almost invariable practice to purchase the Indian right of occupancy on behalf of the patentees. Most of the colonies early prohibited individuals from purchasing land from the Indians, and later there were numerous statutes regulating trade and providing penalty for fraud against the natives and for encroachments on Indian land. The colonies attempted to exercise no jurisdiction over the native tribes; apparently by common consent and without any special order it became recognized that whatever jurisdiction existed over the Indian could be exercised only by the Crown, and after the French and Indian War two general superintendencies of Indian affairs were created—one for the northern and one for the southern colonies. Even these superintendents exercised no authority over the Indians, their position being essentially that of an ambassador. They observed the trend of events, negotiated treaties and agreements, and endeavored to adjust such difficulties as arose between the Indians and the border settlers.

*Committees of Congress, 1774-1778.* The first definite action taken by the Continental Congress was on July 12, 1775, when there were created three departments of Indian affairs—the Northern, the Middle, and the Southern. The Northern department extended as far south as to include the Six Nations. The Southern department extended north far enough to include the Cherokees, and the Middle department included all between the others. Five commissioners were appointed for the Southern department and three each for the other two. The duties of the commissioners were to treat with the Indians in order to keep their peace and friendship.<sup>21</sup> On the next day an additional member was added to the committee for the Northern department.<sup>22</sup>

*The Confederation, 1778 to 1789.* Paragraph 4 of Article 9 of the Articles of Confederation provided that:

The United States, in Congress assembled, shall also have the sole and exclusive right and power of . . . regulating the trade and managing all affairs with the Indians, not members of any of

<sup>21</sup> Jour. Cont. Cong., Vol. 2, p. 175.

<sup>22</sup> *Ibid.*, p. 183.

the states ; provided that the legislative right of any state, within its own limits, be not infringed or violated.

The first treaty with Indians made by the Continental Congress was the one with the Delawares (7 Stat. L., 13), signed at Fort Pitt on September 17, 1778.<sup>28</sup> This was a general treaty of amity and alliance, the Delawares agreeing "to join the troops of the United States aforesaid, with such a number of their best and most expeart warriors as they can spare." No land cession is made, but the United States guarantees to the Indians "all their teritoreal rights in the fullest and most ample manner, as it hath been bounded by former treaties."<sup>29</sup> In this treaty also was embodied a proposal which had many advocates during the next hundred years ; namely, the creation of an Indian state "whereof the Delaware Nation shall be the head, and have a representation in Congress." Provision was also made for the promotion of trade "under the conduct of an intelligent, candid agent, with an adequate sallery, one more influenced by the love of his country, and a constant attention to the duties of his department by promoting the common interest, than the sinister purpose of converting and binding all the duties of his office to his private emolument." This excellent specification of the qualification of the agent leads one to suspect that either the commissioners or the Indians, or both, may have had some experience with Indian agents of a character too common in later years.

<sup>28</sup> The Indian name of the Delawares was Lenni Lenape, and they originally occupied eastern Pennsylvania, southeastern New York, and most of New Jersey and Delaware. In the seventeenth century they sold a portion of their lands to the Dutch, the Swedes, and William Penn. By the middle of the eighteenth century they were located in western Pennsylvania along the Monongahela. By the treaty of 1789, they were located in Ohio between the Miami and Cuyahoga Rivers and on the Muskingum and Upper Sandusky. Later they removed to Indiana, and in 1818 they ceded their eastern lands to the government and removed to the headwaters of the Merrimac and White Rivers, in Missouri, near the present city of Springfield. In 1829 they sold their Missouri lands and acquired a tract in Kansas, but later a part of them moved to Indian Territory and settled with the Kiowas and Wichitas. In 1866 the Kansas Delawares sold their lands to the Union Pacific Railroad and acquired land and citizenship in the Cherokee Nation. The wanderings of the Delawares are typical of those of the tribes north of the Ohio and Potomac. The removal of the southern tribes is discussed on pages 28 to 38.

<sup>29</sup> Presumably with the Crown.



Other treaties made during the life of the Confederation were the following:

- October 22, 1784, Fort Stanwix, with the Six Nations (7 Stat. L., 15)  
January 21, 1785, Fort McIntosh, with the Delawares, Wyandots, Chippewas, and Ottawas (7 Stat. L., 16)  
November 28, 1785, Hopewell, with the Cherokees (7 Stat. L., 18)  
January 3, 1786, Hopewell, with the Choctaws (7 Stat. L., 21)  
January 10, 1786, Hopewell, with the Chickasaws (7 Stat. L., 24)  
January 31, 1786, Mouth of the Great Miami, with the Shawnees (7 Stat. L., 26)  
January 9, 1789, Fort Harmar, with the Wyandots, Delawares, Ottawas, Chippewas, Potawatomi, Sauk, and Six Nations (7 Stat. L., 18, 33)

It is of interest to note the extent of the sovereignty of the Indian tribes as reflected in the provisions made for offenders and trespassers. In the first treaty with the Delawares, that of 1778, no particular mention is made of trespass, but in the case of infractions of peace and friendship it was provided that "neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or offenders by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be to the laws, customs and usages of the contracting parties and natural justice." The second treaty with the Delawares and other tribes, that of 1785, provided that an Indian committing robbery or murder on a citizen of the United States should be surrendered and punished according to the laws of the United States; on the other hand a citizen attempting to settle on any lands allotted to Wyandots and Delawares forfeited the protection of the United States and the Indians could "punish him as they please." The provisions regarding settlement on Indian lands were repeated in the treaties of 1785 with the Cherokees, and of 1786 with the Choctaws, Chickasaws, and Shawnees; in the same treaties specific provision was also made for the punishment of citizens of the United States committing murder, robbery or other capital crime on an Indian.

While the sovereignty of the Indians was recognized to the extent of allowing them to punish intruders, it was distinctly curtailed in the treaties of 1785 and 1786 with the Cherokees, Choctaws, and Chickasaws by the provision that "the United States in Congress assembled shall have the sole and exclusive right of regulating the

trade with the Indians, and managing all their affairs in such manner as they think proper." Congress, however, did not attempt to regulate the internal affairs of these nations for over a hundred years.<sup>36</sup>

The treaty of 1785 with the Cherokees also provided that "they shall have the right to send a deputy of their choice, whenever they think fit, to Congress."

During the period of the Revolution the main efforts in connection with Indian affairs were to prevent the native races from giving aid to the British forces. As military considerations were often involved, the Board of War seems to have some direction over Indian affairs, but there was no formal transfer by Congress. On May 17, 1779, the commissioners for the Northern department were directed to consult Washington regarding treaties and to be governed by his instructions.<sup>37</sup> On February 12, 1780, the Board

<sup>36</sup> See page 132. The Supreme Court of the United States speaking through Chief Justice Marshall, ruled as follows regarding the power to regulate internal affairs:

"To construe the expression 'managing all their affairs,' into a surrender of self-government, would be, we think, a perversion of their necessary meaning, and a departure from the construction which has been uniformly put on them. The great subject of the article is the Indian trade; the influence it gave, made it desirable that Congress should possess it. The commissioners brought forward the claim, with the profession that their motive was 'the benefit and comfort of the Indians, and the preventing of injuries or oppressions.' This may be true, as respects the regulation of their trade, and as respects the regulation of all affairs connected with their trade, but cannot be true, as respects the management of all their affairs. The most important of these are the cession of their lands, and security against intruders on them. Is it credible, that they should have considered themselves as surrendering to the United States the right to dictate their future cessions, and the terms on which they should be made? or to compel their submission to the violence of disorderly and licentious intruders? It is equally inconceivable, that they could have supposed themselves, by a phrase thus slipped into an article, on another and most interesting subject, to have divested themselves of the right of self-government on subjects not connected with trade. Such a measure could not be 'for their benefit and comfort' or for 'the prevention of injuries and oppression.' Such a construction would be inconsistent with the spirit of this and of all subsequent treaties; especially of those articles which recognize the right of the Cherokees to declare hostilities, and to make war. It would convert a treaty of peace, covertly, into an act annihilating the political existence of one of the parties. Had such a result been intended, it would have been openly avowed." *Worcester v. Georgia*, 6 Peters 553 (1832).

<sup>37</sup> *Jour. Cont. Cong.*, Vol. 14, p. 600.

approved a grant of \$5000 to Dartmouth College for instructing and supporting several Indian youths of the Caghnawaga,<sup>27</sup> who were Canadian Indians. This was a purely military measure, designed to conciliate the Canadian tribe and to prevent attack upon the scattered settlements of New Hampshire.

While the Confederation had sole power to deal with the Indian tribes, its authority was ignored both by individuals and by the states. In 1783, the encroachments on Indian land had reached such a stage that Congress found it necessary to issue a proclamation forbidding all persons from making settlements on or purchasing lands belonging to the Indians.<sup>28</sup> Of the states having a large Indian population, Pennsylvania alone seems to have had any regard for the Confederation, as it made application to Congress to buy land from the Indians, which was refused.<sup>29</sup> Georgia, North Carolina, and New York ignored the Confederation and made separate treaties with the tribes or enacted laws relating to their lands.

On August 7, 1786, Congress passed an ordinance for the regulation of Indian affairs, portions of which continued in force for some time after the adoption of the Constitution. In accordance with the colonial precedent the direction of Indian affairs was placed under two departments—the Southern, comprising the territory south of the Ohio River, and the Northern, comprising all the territory north of the Ohio and west of the Hudson. For each department there was a superintendent reporting to the Secretary of War. Licenses to trade or live with the Indians were granted by the superintendents.

The ordinance for the government of the Northwest Territory<sup>30</sup> was passed July 13, 1787. It summed up the principles to govern relations with the Indians, although unfortunately, these principles were continually violated by the frontier settlers and were not always observed by the government itself. The portion of the ordinance relating to the Indians was as follows:

. . . The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from

<sup>27</sup> *Ibid.*, Vol. 16, p. 163; this appropriation is generally reported as \$500.

<sup>28</sup> *Ibid.*, Vol. 25, p. 602.

<sup>29</sup> *Ibid.*, Vol. 25, p. 596.

<sup>30</sup> The present states of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

them without their consent ; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress ; but laws founded on justice and humanity shall from time to time be made, for preventing wrongs done to them, and for preserving peace and friendship with them.

The debates and papers of the Constitutional Convention of 1787 throw little light on Indian affairs, there being only a few references to the action of several states in dealing directly with the Indians and ignoring Congress. However, the weakness of the Articles of Confederation was as apparent in relation to Indian affairs as in other directions, and on this Madison made the following comment :<sup>22</sup>

The regulation of commerce with the Indian tribes is very properly unfettered from two limitations in the Articles of Confederation, which render the provision obscure and contradictory. The power is there restrained to Indians, not members of any of the States, and is not to violate or infringe the legislative right of any State within its own limits. What description of Indians are to be deemed members of a State, is not yet settled, and has been a question of frequent perplexity and contention in the Federal Councils. And how the trade with Indians, though not members of a State, yet residing within its legislative jurisdiction, can be regulated by an external authority, without so far intruding on the internal rights of legislation, is absolutely incomprehensible. This is not the only case, in which the Articles of Confederation have inconsiderately endeavored to accomplish impossibilities ; to reconcile a partial sovereignty in the Union, with complete sovereignty in the States ; to subvert a mathematical axiom, by taking away a part, and letting the whole remain.

*Early Days under the Constitution.* The constitutional authority for federal supervision over the Indians is contained in Section 8 of Article I, which enumerates the powers of Congress, the third clause giving Congress power " To regulate Commerce with Foreign Nations, and among the several States, and with the Indian Tribes."

The first Congress under the constitution met March 4, 1789, and on August 7, the War Department was established ( 1 Stat. L., 49 ), headed by the Secretary for the Department of War, upon whom was specifically imposed all duties " relative to Indian affairs."

<sup>22</sup> Federalist, No. XLI.

General Knox, who had been Secretary of War under the Confederation and was *de facto* Secretary after the constitution was adopted, was appointed head of the new department. Before his appointment to the new office he had already given consideration to the Indian problem, for on July 7, he had submitted to the President the following statement, which shows a keen insight into the questions at issue then and in the future :

As population shall increase, and approach the Indian boundaries, game will be diminished, and new purchases may be made for small considerations. This has been, and probably will be, the inevitable consequence of cultivation.

It is, however, painful to consider, that all the Indian tribes, once existing in those states now the best cultivated and most populous, have become extinct. If the same causes continue, the same effects will happen ; and, in a short period, the idea of an Indian on this side of the Mississippi will only be found in the page of the historian.

How different would be the sensation of a philosophic mind to reflect, that, instead of exterminating a part of the human race by our modes of population, we had persevered, through all difficulties, and at last had imparted our knowledge of cultivation and the arts to the aboriginals of the country, by which the source of future life and happiness had been preserved and extended. But it has been conceived to be impracticable to civilize the Indians of North America. This opinion is probably more convenient than just.

That the civilization of the Indians would be an operation of complicated difficulty ; that it would require the highest knowledge of the human character, and a steady perseverance in a wise system for a series of years, cannot be doubted. But to deny that, under a course of favorable circumstances, it could not be accomplished, is to suppose the human character under the influence of such stubborn habits as to be incapable of melioration or change—a supposition entirely contradicted by the progress of society, from the barbarous ages to its present degree of perfection.<sup>22</sup>

Indian affairs early received the serious consideration of President Washington, and on August 22, 1789, he came into the Senate Chamber, accompanied by Secretary Knox, and proceeded to confer with the Senate regarding various measures relating to the southern tribes. After referring to the various provisions of the treaties

<sup>22</sup> American State Papers, Indian Affairs, Vol. I, p. 53.

made with the Cherokees, Choctaws, and Chickasaws in 1785 and 1786, he reached the crux of the Indian problem by stating that "the treaty with the Cherokees has been entirely violated by the disorderly white people on the frontiers of North Carolina."<sup>33</sup> Whether the frontier was in North Carolina or farther west, the violation of Indian rights by the white settlers continued to be one of the harassing Indian problems for over a century, the violation by disorder gradually giving place to exploitation by more subtle methods.

The importance of treaties in Indian relations was early recognized by the first Congress, which made an appropriation of \$20,000 on August 20, 1789 (1 Stat. L., 54), for "defraying the expense of negotiating and treating with the Indian Tribes"; this was the first of a long series of appropriations for this purpose. The policy of making a governor of a territory superintendent of Indian affairs was first expressed in the act of September 11, 1789 (1 Stat. L., 68), which accomplished this purpose simply by making an appropriation for "the Governor of the Western Territory for his salary as such, and for discharging the duties of Superintendent of Indian Affairs in the Northern Department."<sup>34</sup>

The first of a series of acts governing intercourse with the Indian tribes was approved on July 22, 1790 (1 Stat. L., 137). It was provided that there should be no trading with the Indians except under license issued by the superintendent of the proper Indian Department or by some other person designated by the President, but the President was authorized to provide for intercourse without license if the Indian settlements were surrounded by citizens of the United States. The President was also given full authority to issue regulations governing all trade or intercourse with the tribes. The exclusive right of the national government to purchase land from

<sup>33</sup> 1 Cong. 1 sess., *Annals of Congress*, p. 66.

<sup>34</sup> The Western Territory at this time was the territory north of the Ohio River. As certain territories were created, the governors were made ex-officio superintendent of Indian affairs for the territory and generally continued to hold that office until the admission of the territory as a state; in some cases, however, the governor was relieved of his duties as superintendent of Indian Affairs before the state was created. When the governor ceased to act as superintendent the supervision of Indian affairs was transferred to one of the general superintendencies of the Indian Service or to the Washington Office.

the Indians was affirmed by the provision that no sale of lands by Indians should be valid "unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." Offenses against the person or trespass upon the property of any friendly Indians were punishable in the same manner as like offenses against a white person in the state in which the offender might belong. This act was to be in force for two years and thereafter until the end of the next session of Congress. It was succeeded successively by other temporary acts, all making additions and changes in detail until the permanent intercourse act of 1834 was enacted.

The treaty with the Creeks made at New York on August 7, 1790 (7 Stat. L., 35), introduced a new element in relations with the Indians by the provision for the payment of an annuity of \$1500 as consideration for certain land cessions. There was also an indefinite provision to furnish gratuitously useful domestic animals and implements of husbandry, in order that "the Creek Nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters." Earlier treaties with the several tribes had fixed the boundaries or provided for cessions to the United States, the Indian title to the remaining lands being recognized by implication only. In this treaty is found the first positive recognition of the Indian ownership in the article in which "The United States solemnly guarantee to the Creek Nation, all their lands within the limits of the United States to the westward and southward of the boundary described in the preceding article."

Serious and earnest comments on Indian affairs appear in all of Washington's messages; some relate to aggressions of the Indians, but more are devoted to the necessity of legislation to curb the unlawful practices of the whites. In the annual address of November 6, 1792, after referring to the war in the region north of the Ohio and to Cherokee depredations on the Tennessee, the President referred to the frontier situation as follows:

I cannot dismiss the subject of Indian affairs without again recommending to your consideration the expediency of more adequate provision for giving energy to the laws throughout our interior frontier and for restraining the commission of outrages upon the Indians, without which all pacific plans must prove

nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents would also contribute to the preservation of peace and good neighborhood. If in addition to these expedients an eligible plan could be devised for promoting civilization among the friendly tribes and for carrying on trade with them upon a scale equal to their wants and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interest with ours could not but be considerable.

In the annual address of December 3, 1793, another plea was made for the regulation of trade "conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians and a stated price for what they give in payment and receive in exchange."

In December, 1792, the burning of a Cherokee town on the frontier of Georgia, and the killing of several Indians led the President to offer a reward of \$500 for each and every offender brought to justice. In the annual address of December 8, 1795, the situation was again brought before Congress in the following terms:

The Creek and Cherokee Indians, who alone of the Southern tribes have annoyed our frontiers, have lately confirmed their preexisting treaties with us, and were giving evidence of a sincere disposition to carry them into effect by the surrender of the prisoners and property they had taken. But we have to lament that the fair prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting parties of the Creeks, which have again subjected that frontier to disquietude and danger, which will be productive of further expense, and may occasion more effusion of blood. Measures are pursuing to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding at least to avert general hostility.

\* \* \* \*

While we indulge the satisfaction which the actual condition of our Western borders so well authorizes, it is necessary that we should not lose sight of an important truth which continually receives new confirmations, namely, that the provisions heretofore made with a view to the protection of the Indians from the violences of the lawless part of our frontier inhabitants are insufficient. It is demonstrated that these violences can now be perpetrated with impunity, and it can need no argument to prove that unless the murdering of Indians can be restrained by bringing



the murderers to condign punishment, all the exertions of the Government to prevent destructive retaliations by the Indians will prove fruitless and all our present agreeable prospects illusory. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and an enormous expense to drain the Treasury of the Union.

To enforce upon the Indians the observance of justice it is indispensable that there shall be competent means of rendering justice to them. If these means can be devised by the wisdom of Congress, and especially if there can be added an adequate provision for supplying the necessities of the Indians on reasonable terms (a measure the mention of which I the more readily repeat, as in all the conferences with them they urge it with solicitude), I should not hesitate to entertain a strong hope of rendering our tranquillity permanent. I add with pleasure that the probability even of their civilization is not diminished by the experiments which have been thus far made under the auspices of Government. The accomplishment of this work, if practicable, will reflect undecaying luster on our national character and administer the most grateful consolations that virtuous minds can know.

The first specific appropriation for Indian relations, made in the act of February 28, 1793 (1 Stat. L., 328), was for the sum of \$50,000 "for defraying the expenses of the Indian Department." This large appropriation was evidently made in anticipation of the second intercourse act of March 1, 1793 (1 Stat. L., 329), which authorized the President to appoint temporary agents among the Indian tribes, and to supply the Indians with "useful domestic animals, and implements of husbandry, and also to furnish them with goods or money, in such proportions, as he shall judge proper." The total of the allowances to agents and presents was limited to \$20,000 per annum. It is difficult to see the necessity for the remaining \$30,000, but it was probably expended for the expenses of negotiating treaties and the transportation of supplies.

This intercourse act of 1793 reenacted the greater part of the earlier act and included some additional provisions, the most notable of which was the one making the surveying of or settling on Indian lands an offense punishable by fine or imprisonment and giving the President the right to remove intruders. While the validity of the Indian right of occupancy was thus expressly recognized, it is doubtful if there were any convictions, because at this time as

well as later, public opinion on the frontier justified practically any action taken by settlers against the Indians, regardless of law or equity.

On November 11, 1794, a treaty was signed at Canandaigua, New York, with the Six Nations, which is of interest as containing the oldest provision for annuity payments still in force.

In several of his annual addresses to Congress, Washington had strongly urged the establishment of trading houses by the Government, in order to protect the Indians from the practices of private traders.<sup>25</sup> On April 18, 1796 (1 Stat. L., 452), there was finally approved a law authorizing the President "to establish trading houses at such posts and places on the western and southern frontiers, or in the Indian country, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations." The sum of \$150,000<sup>26</sup> was appropriated to supply the capital needed for the purchase of goods, which sum was to be a revolving fund that was not to be diminished. In addition a permanent annual appropriation of \$8000 was made for the compensation of agents and clerks. The purpose of these trading houses was to supply goods to the Indians and to afford them a fair market price for furs, their only commercial product.

The first trading houses were established in the territory of the southern Indians, later posts were opened at Fort Wayne, at Detroit, on the Arkansas River, at Nachitoches, at Belle Fontaine, at Chicago, at Michilimackinac, at Fort Osage, and at Fort Madison, although all these houses were not open at the same time. Until 1806 the trading houses were under the supervision of the purveyor of public supplies, but in that year provision was made for a Superintendent of Indian Trade (2 Stat. L., 402), who had his headquarters and warehouse in Georgetown. The act, like most of the early acts relating to Indian affairs, was a temporary one, its life being limited to two years. The trading house system was never placed on a permanent statutory basis, the law being reenacted with slight changes for periods of two or three years until 1822, when the trading houses were definitely abolished (3 Stat. L., 679). According to McKenney, who was Superintendent of Indian Trade

<sup>25</sup> See pages 21 and 22.

<sup>26</sup> Increased to \$260,000 by act of April 21, 1806 (2 Stat. L., 402), and to \$300,000 by act of March 3, 1809 (2 Stat. L., 544).

after 1806, the discontinuance of the trading houses was due to the influence of the Missouri Fur Company.<sup>87</sup>

The final account of the capital fund of \$300,000 showed a loss of \$191,391.70, consisting of debts uncollected \$79,245.46, property destroyed \$60,000 and balance unaccounted for \$52,146.24.<sup>88</sup> In addition the government lost the expenses of the salaries of agents and clerks, which were appropriated for separately and never charged against the capital account.

The boundary line between the area open to settlement and the lands occupied by the Indians was first defined by law in the intercourse act of May 19, 1796 (1 Stat. L., 469). Beginning at the mouth of the Cuyahoga River on Lake Erie, this line meandered across Ohio and Indiana to the mouth of the Kentucky River, followed the Ohio to a point opposite the ridge between the Tennessee and the Cumberland, followed an irregular course across Kentucky and Tennessee to northwest Georgia, and then followed another irregular line across Georgia to a point on the St. Mary River in the southeastern corner of the state. Not only surveying and settling but also hunting and grazing, and, in the case of the country south of the Ohio, the mere visiting without a passport were punishable by a fine and imprisonment. The President was authorized to have the Indian boundary surveyed and marked.<sup>89</sup>

There is no definite record as to how much of the boundary was surveyed and marked, but it is evident that \$8000 did not go far in the running and marking a line probably a thousand miles in length. It is likewise evident that trespass could not be prevented along so lengthy a frontier, especially where the border settlers had no respect for the rights of Indians, and state governments were only too willing to espouse the cause of their citizens. In 1798, Secretary of War McHenry, in his instructions to the commissioners for negotiating a treaty with the Cherokees, made the following comment on the Indian land situation:

The arts and practices to obtain Indian land, in defiance of treaties and the laws, and at the risk of involving the whole coun-

<sup>87</sup> McKenney, *Memoirs*, p. 20.

<sup>88</sup> 23 Cong. 1 sess., H. rep. 474, p. 73.

<sup>89</sup> On March 2, 1799 (1 Stat. L., 742), an appropriation of \$4000 was made for "the running of the line of demarkation between the Indian territory and the United States," and May 10, 1800 (2 Stat. L., 67), a similar amount was appropriated.

try in war, have become so daring, and received such countenance, from persons of prominent influence, as to render it necessary that the means to countervail them should be augmented.<sup>40</sup>

Like other early laws relating to Indian affairs the act of 1796 was a temporary one; it was reenacted in practically the same form, except for a modification of the boundary line, in 1799 (1 Stat. L., 743) for a period of three years, and again reenacted permanently in 1802 (2 Stat. L., 139). The act of 1802 was the last one in which the boundary was defined, there being a provision in this act, as well as in the two earlier ones, that if the boundary line should at any time be varied by treaty between the Indian tribes and the United States, all the other provisions of the act should apply to the boundary line as so varied.

It should be noted that while the area west and south of the boundary line fixed in those laws was within the territorial limits of the United States as recognized by the treaty with Great Britain, the statutes uniformly refer to the boundary line between the United States and the Indian tribes, the area retained by the Indians being referred to as Indian land, Indian territory, and Indian country.<sup>41</sup> In 1832 the Supreme Court held that "The treaties and laws of the United States contemplate the Indian Territory as completely separated from that of the States."<sup>42</sup>

One of the causes of trouble with the Indians since their first relations with the whites was the introduction of spirituous liquor. The act of 1802 was the first in which an endeavor was made to control this traffic by a provision authorizing the President to take "such measures . . . as to him may appear expedient to prevent or restrain the vending or distribution of spirituous liquors among all or any of the said Indian tribes" (2 Stat. L., 146). Later legislation was much more specific and drastic, but the selling of liquor to the Indians was not even fairly controlled prior to

<sup>40</sup> American State Papers, Indian Affairs, Vol. 1, p. 639.

<sup>41</sup> The terms "Indian Territory" and "Indian Country" were used in later acts to describe areas reserved to the Indians, even where those areas were not contiguous. It should be noted that "Indian territory" as used in later legislation did not apply solely to the area which is now the State of Oklahoma, and which was generally called Indian Territory after the middle of the nineteenth century. For discussion of status of Indian Territory, see page 91.

<sup>42</sup> Worcester v. Georgia, 6 Peters 557 (1832).

1900, and even after that year it was not entirely suppressed, although conditions were improved. It is perhaps needless to add that the liquor traffic was carried on almost entirely by the whites.

The acquisition of Louisiana brought other Indians under the protection of the United States and thereby added to the Indian problem, but it also offered some solution of the Indian question east of the Mississippi through the removal of the eastern tribes. The idea of removal seems to have originated with Jefferson, who in 1803 in connection with the Louisiana purchase drafted a constitutional amendment which provided for the exchange of Indian lands east of the Mississippi for land in the west, and also for the exchange of lands in the west owned by white settlers for land in the older portion of the country.<sup>45</sup> The amendment was never seriously considered, but when the act providing a temporary government for Louisiana was passed on March 26, 1804, the President was given authority "to stipulate with any Indian tribes owning lands on the east side of the Mississippi, and residing thereon, for an exchange of lands, the property of the United States, on the west side of the Mississippi, in case the said tribes shall remove and settle thereon" (2 Stat. L., 289). The intercourse act of 1802 was also extended to the newly acquired territory. It was some years before any successful steps were taken to promote migration beyond the Mississippi, although a few Choctaws went west in 1808 and a few Cherokees in 1809.<sup>46</sup>

*Creation of Indian Bureau and Development of Indian Service, 1824 to 1834.* The act of August 7, 1789 (1 Stat. L., 49), creating the War Department, placed the direction of Indian affairs under the Secretary of War. Various later acts provided for resident agents and for the exercise of supervisory power over the agents by the governors of the territories, but with the exception of the Secretary of War there was no officer at the seat of government solely charged with Indian matters except the Superintendent of Indian Trade, an office created in 1806 and abolished in 1822. The reports make it evident that the Secretary of War depended more and more on the Superintendent of Indian Trade for advice,

<sup>45</sup> Abel, History of events resulting in Indian consolidation west of the Mississippi, Am. Hist. Assoc., Annual Report, 1906, p. 248.

<sup>46</sup> For account of the removals and the negotiations leading to them, see Abel, *op. cit.*

and after that office was abolished Secretary Calhoun created the Bureau of Indian Affairs by order of March 11, 1824,<sup>48</sup> and placed at its head Thomas L. McKenney, who had been Superintendent of Indian Trade for some years. The personnel of the Bureau consisted of the head, a chief clerk, and one assistant, the total number of clerks in the War Department at this time being twenty-two. There was evidently much to be desired in the management of affairs, for in 1828 Schoolcraft wrote:

The derangements in the fiscal affairs of the Indian department are in the extreme. One would think that appropriations had been handled with a pitchfork. A correspondent writes: "For 1827 we were promised \$48,000 and received \$30,000. For 1828 we were promised \$40,000 and have received \$25,000; and, besides these promises, were all the extra expenditures authorized to be incurred, amounting to not less than \$15,000. It is impossible this can continue." And these derangements are only with regard to the north. How the south and the west stand it is impossible to say. But there is a screw loose in the public machinery somewhere.<sup>49</sup>

It was not until July 9, 1832 (4 Stat. L., 564), that Congress authorized the President to "appoint, by and with the advice and consent of the Senate, a commissioner of Indian affairs, who shall, under the direction of the Secretary of War, and agreeably to such regulations as the President may, from time to time, prescribe, have the direction and management of all Indian affairs, and of all matters arising out of Indian relations." The portion of the act quoted above has been amended only by the act of 1849, transferring the Office of Indian Affairs to the Department of the Interior.

At the first session of the Twenty-third Congress, in 1834, the Committee on Indian Affairs of the House of Representatives brought in three bills dealing with Indian affairs: (1) To organize the Department of Indian Affairs, (2) to regulate trade with the Indians, and (3) to provide for the establishment of a western territory in which the Indians should be segregated. The act for the creation of a western territory did not pass, but the other two were enacted and remained in force for many years, some of their provisions being in effect at the present time.

<sup>48</sup> 19 Cong. 1 sess., H. doc. 146, p. 6.

<sup>49</sup> Schoolcraft, Personal memoirs, p. 319.

The act organizing the Department of Indian Affairs approved June 30, 1834 (4 Stat. L., 735), applied only to the organization in the field, and did not alter in any way the power of the Secretary of War or the Commissioner. In a lengthy report reviewing Indian relations and stating the reasons for presenting the three bills, the committee characterized the administration of Indian affairs as being "expensive, inefficient, and irresponsible."<sup>4</sup> The new act did not introduce any new principle of organization, but it abolished some of the older superintendencies and agencies which were no longer well located owing to changed conditions. It continued the governors of territories, with certain exceptions, as superintendents of Indian affairs, not by any positive declaration, but by the omission of any repeal of the act assigning these duties to them. The superintendency at St. Louis, created by the act of May 6, 1822 (3 Stat. L., 683), with powers over "all Indians frequenting that place," was given jurisdiction over Indian affairs "for all the Indian country not within the bounds of any state or territory west of the Mississippi River." Indian agents in the states apparently were under the direct supervision of the Commissioner of Indian Affairs, as no specific reference was made to them.

The salary of the agents was fixed at \$1500, at which figure it remained as long as agents were appointed, with one or two exceptions. The number of agents was fixed at twelve, and their posts were definitely specified, although the President was given power to transfer any agency to another place or tribe. This was the last general act relating to the field service. The number of superintendencies and agencies was frequently changed, but these changes were effected by special acts, or by the simple method of appropriating for the officer's salary.

*Removal of the Eastern Tribes.* At the time of the adoption of the Constitution various tribes occupied scattered areas in Pennsylvania, New York, and the Northwest Territory, but it was in the South that the most compact body of land was held by the Cherokees, Choctaws, Creeks, and Chickasaws, who occupied practically all of the present states of Tennessee, Mississippi, and Alabama, and the greater part of Georgia. In 1789 the portion of Georgia in which the Indian title had been extinguished consisted of only the area

<sup>4</sup> 23 Cong. 1 sess., H. rep. 474, p. 2.

between the Ogeechee River and the South Carolina line and a tract along the coast about fifty miles wide in its northern half and thirty miles wide in its southern half, a total of about 12,000 square miles out of 59,265 square miles within the border of the state after 1802. When the Constitution was adopted North Carolina and Georgia also claimed the lands between their present western boundaries and the Mississippi River. North Carolina ceded the western lands in 1790, and Georgia in 1802 made a like cession, the agreement made by the commissioners representing Georgia and the United States providing that the "United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms," the Indian title to the area with the present limits of the state.<sup>48</sup>

In the early years of the nineteenth century an ever increasing stream of settlers poured into the region west of the Alleghenies, the Indian hunting grounds became more and more circumscribed, and numerous treaties were made with the several tribes for the extinguishment of the Indian title, but little was accomplished in the way of removal before the War of 1812. In 1805 Jefferson suggested emigration to the Chickasaws, but no action resulted. In 1808 the Choctaws were approached, but the tribe refused to emigrate, although a few moved as individuals. In the same year a Cherokee delegation came to Washington, prepared to arrange terms by which the Cherokees of the lower towns, or those residing in Georgia, were to emigrate. Nothing definite came of this proposal at that time, although some individuals went of their own accord.

The acceleration of the westward movement of the white population after the War of 1812 again aroused the interest of the administration in the question of Indian removal. Progress was easier in the Northwest, as the tribes were smaller, were of a more wandering disposition, and were acquainted with the country beyond the Great River. Many of the Northwestern Indians went voluntarily when they realized that they were in the path of the white settlements, although several bloody Indian wars were necessary to convince the natives that the old order had passed away.

<sup>48</sup> American State Papers, Public Lands, Vol. 1, p. 126.



In the case of the four great Southern tribes the conditions were radically different. These Indians had made greater progress in civilization, had been at peace for some time, were engaged to a large extent in agriculture, were numerically stronger, and had more astute leaders. Intermarriage with the whites seemed to have strengthened the Southern tribes and to have developed leaders of ability, while in the case of the Northern tribes, the new elements seem to have been of a distinctly lower grade in character and intellect.

In 1817 the Cherokees made a treaty in which they first agreed to removal (7 Stat. L., 156). A portion of the lands of the tribe in Tennessee and Georgia was ceded to the United States and an equal amount of land was to be assigned to the Indians in the area west of Arkansas. The poor Indians emigrating were to be furnished with "one rifle gun and ammunition, one blanket, and one brass kettle, or, in lieu of the brass kettle, a beaver trap, which is to be considered as a full compensation for the improvements which they may leave"; the emigrants whose improvements had added "real value to their lands" were to be paid the value of the improvements; the Indians remaining in the East were to be given 640 acres as a life estate "with a reversion in fee simple to their children." While 6000 persons emigrated within the next two years, there is no doubt that the majority of the nation was decidedly averse to emigration, and the treaty became a dead letter. It was superseded by the treaty of February 27, 1819 (7 Stat. L., 195), which recognized in the preamble the fact that "a greater part of the Cherokee Nation have expressed an earnest desire to remain" east of the Mississippi River, and then proceeded to adjust the provisions of the earlier treaty in order to make them fit conditions as they actually existed. For some years formal action looking to the removal of the Cherokees was abandoned.

While these efforts were being made with the Cherokees, similar attempts were made with the Chickasaws and Choctaws. Nothing could be accomplished as far as the Chickasaws were concerned, and at first the efforts to induce the Choctaws to treat were equally fruitless, but finally in 1820 Jackson succeeded in persuading the Choctaw chiefs to sign a treaty providing for cession and removal (7 Stat. L., 210). A few bands of Choctaws emigrated, but the

majority stayed in the East, one reason being that the Western lands were already claimed by citizens of Arkansas.

In 1823, at the instigation of the legislature of Georgia, unsuccessful efforts were again made to induce the Cherokees to emigrate. Georgia was still insistent on removal, claiming that the compact of 1802 made it obligatory on the United States to remove the Indians by force if they would not consent to go peaceably. Monroe denied emphatically that the United States was under any obligation to force the removal of the Indians under the compact of 1802.<sup>40</sup> In a special message of March 30, 1824, he said:

. . . The express stipulation of the compact that their title should be extinguished at the expense of the United States when it may be done *peaceably* and on *reasonable* conditions is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and, in consequence, within the limits of any State, the United States have duties to perform and a character to sustain to which they ought not to be indifferent. . . .

Again in his annual message of December 7, 1824, he said:

. . . To remove them from it [their present territory] by force, even with a view to their own security and happiness, would be revolting to humanity and utterly unjustifiable. Between the limits of our present States and Territories and the Rocky Mountains and Mexico there is a vast territory to which they might be invited with inducements which might be successful. It is thought if that territory should be divided into districts by previous agreement with the tribes now residing there and civil governments be established in each, with schools for every branch of instruction in literature and the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. . . .

A treaty made with the Creeks at Indian Springs on February 12, 1825 (7 Stat. L., 237), was manifestly so fraudulent that it was superseded by a new treaty made at Washington on January 24, 1826 (7 Stat. L., 286), which provided for a cession of all the remaining Creek lands in Georgia. Provision was also made for

<sup>40</sup> See page 29.

the emigration of the Creeks, but it was not practicable at that time to effect the removal of very many of them.

By this time the Indian title to all land in Georgia had been extinguished except the area held by the Cherokees in the northwest corner, which may be approximately described as embracing the region north and west of Atlanta. The Cherokees, by adopting a constitution in 1827, gave Georgia an opportunity to reopen the controversy, as it was claimed that this was a violation of Section 3 of Article 4 of the Constitution which provides that "no new State shall be formed or erected within the jurisdiction of any other State . . . without the consent of the legislatures of the State concerned as well as of the Congress." Georgia retaliated in 1828 and 1829 by annexing the Cherokee country to certain counties and making the Indians subject to its laws. The Cherokee Nation applied to the Supreme Court for an injunction to restrain Georgia from executing these laws. The injunction was denied on the ground that the Cherokee Nation was not a foreign nation and hence could not maintain a suit in the Supreme Court. After reviewing Indian relations, the court said:

. . . The condition of the Indians, in relation to the United States is, perhaps, unlike that of any other two people in existence. In general, nations not owing a common allegiance, are foreign to each other. The term *foreign* nation is, with strict propriety, applicable by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions, which exist nowhere else. . . . Though the Indians are acknowledged to have an unquestionable, and heretofore unquestioned, right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our government; yet it may well be doubted, whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession, when their right of possession ceases. Meanwhile, they are in a state of pupillage; their relation to the United States resembles that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father. . . .<sup>80</sup>

<sup>80</sup> Cherokee Nation v. Georgia, 5 Peters 16-17 (1831).

The election of Jackson to the Presidency in 1828 resulted in a definite change in the Indian policy in regard to removal. Both Monroe and Adams had adopted the policy of voluntary emigration, but Jackson was determined to use force if necessary. A mere reading of the statutes and the treaties would indicate no definite change, but when the method of obtaining the treaties is taken into consideration it is easy to see that the government was determined to use any pressure necessary to accomplish its ends.

At the first session of Congress during Jackson's administration, a bill providing for the removal of the Indians was passed on May 28, 1830 (4 Stat. L., 411). By this time Indian removal had become a matter of national discussion, subordinate only to the tariff, slavery, and the United States Bank. The act of 1830 looks harmless enough, as there is not a word in it to indicate that the Indians should be removed by force. It authorized the President to exchange lands in the east for lands in the west, to give a perpetual title to the lands so exchanged, to pay for improvements upon the old lands, and to give aid and assistance in the emigration. Section 7 provides that nothing in the act should be construed as authorizing or directing the violation of any existing treaty. For the purpose of executing the act the sum of \$500,000 was made available.

The handwriting on the wall soon became more evident. In December, 1830, Georgia passed an act forbidding white men to reside among the Indians, except persons representing the national government or persons of high respectability willing to take an oath to support the laws of Georgia.<sup>21</sup> Within a week of the passage of this act the missionaries in the Cherokee Nation held a meeting and declared their opinion that the Cherokees as a people were opposed to removal and that the extension of the jurisdiction of Georgia would work an immense and irreparable injury. Three of them, Worcester, Butler, and Proctor, were promptly arrested, but were released on habeas corpus on the ground that as dispensers

<sup>21</sup> About the same time Georgia passed an act providing for a survey of the Cherokee lands, and their division by lottery among the citizens of the state. Every male citizen over 18 and certain females were entitled to one draw, while some specified persons were entitled to two draws. The names of the fortunate drawers, and a map of each surveying district are given in Smith, James F., *The Cherokee land lottery* (1838).

of the civilization fund they were agents of the United States. The Governor, however, ascertained from Eaton, Secretary of War, that the worst offenders, from the Georgia point of view, were supported entirely by the American Board of Commissioners for Foreign Missions. Worcester was postmaster at New Echota, but he was promptly removed from that office in order to make him subject to the state laws.

The missionaries were again arrested, convicted, and sentenced to four years in the penitentiary. All of the prisoners except Worcester and Butler accepted the Governor's pardon and took the oath. These two determined to fight and the matter was taken to the Supreme Court.

As in the earlier case of *Cherokee Nation v. Georgia*,<sup>88</sup> William Wirt represented the plaintiff, and the State of Georgia refused to plead or acknowledge the jurisdiction of the Court. Wirt, profiting by his defeat in the earlier case, when he had brought suit in the name of the Cherokee Nation against the state and had lost because the Cherokees had no right to sue, this time brought the case upon a writ of error on the ground that the law of Georgia under which the conviction was obtained was unconstitutional.

The opinion of the court, delivered by Chief Justice Marshall, contained an exhaustive review of Indian relations, and completely upheld the sole authority of the United States in dealing with the Indian tribes.

The treaties and laws of the United States contemplate the Indian territory as completely separated from that of the States; and provide that all intercourse with them shall be carried on exclusively by the government of the Union. . . .

\* \* \* \*

The Cherokee Nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation, is, by our Constitution and laws, vested in the government of the United States. . . .<sup>89</sup>

<sup>88</sup> See page 32.

<sup>89</sup> *Worcester v. Georgia*, 6 Peters 557, 561 (1832).

The Cherokees had at last won a signal legal victory, but practically it availed them nothing, as Georgia ignored the decision. Jackson, eager for any measures that would induce the Indians to migrate, is reported to have said "John Marshall has made his decision: now let him enforce it."<sup>84</sup> Van Buren, master apologist for the acts of Jackson, attacked the opponents of Jackson with the statement that the opposition was a factious one "waged to promote the interests of party at the expence of the highest interests of the country, upon grounds which were not tenable and for avowed purposes which were not practicable,—or, if practicable could only become so thro' the agency of the U. S. Army and the probable destruction of the Confederacy."<sup>85</sup> Greeley, on the other hand, says that "the will of Andrew Jackson, not the Constitution, was in those years 'the supreme law of the land.'"<sup>86</sup>

The barrenness of the legal victory of the Cherokees evidently had its effect on the other Southern tribes, for between 1832 and 1834 the Creeks who were not involved in the Seminole War, the Choctaws, and the Chickasaws agreed to remove and emigrated to their new home. But the Cherokees were obdurate and flatly declared that they would make no more cessions, and that they intended to stay in their old home, which was mostly in northwest Georgia, with a small area in the adjoining portions of North Carolina, Tennessee and Alabama.

The administration used every effort to induce the Cherokees to remove, and finally in 1835, a treaty presented to them at New Echota, and signed by the representatives of one faction, ceded to the United States all the lands east of the Mississippi River belonging to the tribe (7 Stat. L., 478). It provided that the Cherokees should receive five million dollars and be granted a certain described tract of land west of Arkansas Territory. The Indians agreed to remove to their new home within two years, and the government obligated itself to furnish a sufficient number of steamboats and baggage wagons to remove them "comfortably, and so as not

<sup>84</sup> Greeley, *American conflict*, I, 106 Greeley stated that this remark was reported to him by George N. Briggs of Massachusetts, a member of Congress.

<sup>85</sup> Van Buren, *Autobiography*, Amer Hist. Assoc., Annual Report, 1918, Vol. 2, p. 288.

<sup>86</sup> Greeley, *op. cit.*, p. 106.

to endanger their health." They were also to be subsisted for one year after their arrival.

One act in Cherokee history seemed to be drawing to a close, but there was still one tragic episode before the fall of the curtain. To persons familiar with the feelings of the Cherokees it was evident that almost all of the members of the tribe were opposed to the terms of the treaty and did not consider themselves bound by it. At the expiration of the two-year period only two thousand had emigrated, and it was evident that force would have to be used if the terms of the treaty were carried out. Accordingly, General Winfield Scott, with nine thousand regulars and militia, was placed in charge of the removal. The Indians were rounded up and placed in stockades, their property being sold for little or nothing to the Georgians who followed in the wake of the troops. It should be borne in mind that these were not blanket Indians, but a people who had been civilized to a large extent, who were generally agriculturalists, and who lived in homes which were probably as well appointed as those of the frontier settlers. The correspondence of one of the Baptist missionaries gives the following contemporary account of conditions during the concentration:

June 16. The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take anything with them, except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth. Females, who have been habituated to comforts and comparative affluence, are driven on foot before the bayonets of brutal men. . . . Many of the Cherokees, who, a few days ago, were in comfortable circumstances, are now victims of abject poverty. Some, who have been allowed to return home, under passport, to inquire after their property, have found their cattle, horses, swine, farming tools and house furniture all gone. And this is not a description of extreme cases. It is altogether a faint representation of the work which has been perpetrated on the unoffending, unarmed, and unresisting Cherokees.

\* \* \* \*

July 10. The work of war in time of peace, is commenced in the Georgia part of the Cherokee Nation, and is carried on, in most cases, in the most unfeeling and brutal manner; no regard being

paid to the orders of the commanding General, in regard to humane treatment of the Indians. . . ."

Mooney, who many years later interviewed persons concerned in this affair, quotes one of the Georgia volunteers, who was afterwards a colonel in the Confederate Service, as follows:

. . . I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew."<sup>87</sup>

The removal began early in June, and about five thousand were transported down the Tennessee and Ohio Rivers to the western bank of the Mississippi River, whence they made the remainder of the journey by land. The mortality was so great that the Council of the Nation proposed that further emigration be deferred until the fall, and that the remainder be allowed to remove themselves.

Accordingly, the remainder, probably twelve thousand, started on their journey in October. A few went by water, but by far the greater part made the entire journey overland. The Indians themselves organized the expedition, and it was apparently accomplished in a systematic and orderly manner. Men and women, the infants and the aged, the strong and weak, pushed their way through the somber forests of Tennessee and across the ridges that had been the hunting grounds of their ancestors. The valleys that once resounded with the war whoop now heard only the creaking of the wagons as they labored on the rough road. The route lay through McMinnville and Nashville, Tennessee, and Hopkinsville, Kentucky, to the Ohio River, which was crossed at a ferry near the mouth of the Cumberland; thence across Illinois to the Mississippi River opposite Cape Girardeau. It was now winter and considerable difficulty was encountered in crossing by reason of the ice. From the Mississippi River the way lay through southern Missouri to the western home, which was reached in March. Jackson had retired from the Presidency, but the work started by him had been "crowned with complete success."<sup>88</sup> The Indians had been removed

<sup>87</sup> Evan Jones, *Baptist Missionary Magazine*, September, 1838, pp. 236-37.

<sup>88</sup> Bureau of American Ethnology, Nineteenth Annual Report, 1898, pt. 1, p. 130.

<sup>89</sup> Van Buren, *op. cit.*, p. 295.



"beyond the reach of the bad influences inevitable from association and contention with the white men,"<sup>60</sup> but this benevolent consummation had not been reached until probably four thousand Cherokees, almost a quarter of their number, slept in unmarked graves around the concentration camps or along the line of march."

The Creeks who were involved in the Seminole War and the Seminoles were removed at various times practically as prisoners between 1836 and 1840. The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles later came to be known as the Five Civilized Tribes, although the Seminoles were little removed from the savage state when they were first moved to the West. Later, the policy of the government toward these Indians was so different from that followed in respect to the other tribes that it is discussed in a separate section.

*Efforts to Civilize the Indians, 1789 to 1840.* The problem of the education and civilization of the Indians early occupied the attention of the fathers of the Republic, but it was many years after the adoption of the Constitution before any progress was made. Up to 1818 the treaties generally provided for the cession of lands and the payment of annuities. In some cases provision was made for the building of a mill or for the support of a blacksmith, but it was apparently done with the idea of administering to the material wants of the natives rather than to instruct them in these necessary industrial arts. As far as scholastic education is concerned the laws, treaties, and reports of these early years give no evidence that any attempt was being made along these lines, although in a treaty with the Kaskaskias, negotiated by William Henry Harrison in 1803, there is the unusual provision that "whereas, the greater part of said tribe have been baptised and received into the Catholic Church to which they are much attached, the United States will give annually for seven years one hundred dollars toward the support of a priest of that religion, who will

<sup>60</sup> *Ibid.*

<sup>61</sup> For a more detailed discussion of the negotiations for the removal of several tribes, see Abel, History of events resulting in Indian consolidation west of the Mississippi. For the history of the Cherokees, see Royce, The Cherokee Nation, in Bureau of American Ethnology, Fifth Annual Report, 1884, and Mooney, Myths of the Cherokees, in Bureau of American Ethnology, Nineteenth Annual Report, 1898, pt. 1.

engage to perform for the said tribe the duties of his office and also to instruct as many of their children as possible in the rudiments of literature" (7 Stat. L., 79).

The idea of education for the Indians seems to have originated in the legislative branch of the government, for the first reference to any plan of education appears in a report of the House Committee on Indian Affairs of January 22, 1818, in which the subject was discussed as follows:

. . . Your committee are induced to believe that nothing which it is in the power of the Government to do would have a more direct tendency to produce this desirable object [civilization] than the establishment of schools at convenient and safe places among those tribes friendly to us. . . .

\* \* \*

The committee believe that increasing the number of trading posts, and establishing schools at or near our frontiers for the education of Indian children, would be attended by beneficial effects both to the United States and the Indian tribes, and the best possible means of securing the friendship of those nations in amity with us, and, in time, to bring the hostile tribes to see that their true interest lies in peace and not in war. . . .<sup>62</sup>

The bill introduced by this committee and passed at the end of the next session of Congress (3 Stat. L., 516) made a permanent appropriation of \$10,000 for both industrial and scholastic education, in the following terms:

That for the purpose of providing against the further decline and final extinction of the Indian tribes, adjoining the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby authorized, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined, according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties.<sup>63</sup>

<sup>62</sup> American State Papers, Indian Affairs, Vol. 2, p. 151.

<sup>63</sup> This appropriation was not repealed until February 14, 1873 (17 Stat. L., 461).

The executive branch was not slow to adopt the idea of education, for in less than a month Calhoun, Secretary of War, wrote to Lewis Cass, then Governor of Michigan Territory and *ex-officio* Superintendent of Indian Affairs for the Territory, urging him that in case it was necessary to provide an annuity for the Chippewas to endeavor to induce them to have the annuity used for the support of schools rather than to have it paid in cash.<sup>64</sup>

While Calhoun was urging annuities in place of schools, he seems to have had no plan for education, because when the act of 1819 providing the civilization fund was passed, a circular letter was sent to the several missionary societies requesting their advice as to the best method of expending the money.<sup>65</sup> As the government possessed no administrative machinery for supervising the education of the Indians, the annual appropriation of \$10,000 was apportioned among the missionary organizations, and later, as treaty funds became available for education, these were also paid to the missionary establishments. The allotment from the civilization fund appears to have been made by the Washington Office, but the expenditure of the treaty funds seems to have been under the direction of the local agents.

The educational system during these years seems to have been entirely under the direction of the missionaries. A report made to Congress showed expenditures from 1819 to 1842 of \$214,500 by the government through the missionary societies and \$180,000 by the societies from their own funds. This report, however, made no reference to the annuity payments which were to be devoted to education, which had been gradually increasing until they amounted to \$12,000 in 1842. In that year there were in operation thirty-seven schools, with eighty-five teachers and 1283 pupils.<sup>66</sup>

Official reports at this period are replete with references to the desirability of civilizing the Indians, but at the same time the policy was adopted of removing them from the settled communities and placing them on the frontier, where they came into contact with the worst portion of the white population. During this period,

<sup>64</sup> Letters of J. C. Calhoun, Amer. Hist. Assoc., Annual Report, 1899, Vol. 2, p. 158.

<sup>65</sup> 16 Cong. 1 sess., H. doc. 46.

<sup>66</sup> 27 Cong. 2 sess., H. rep. 854, p. 6.

as well as later, the Indian suffered from two main causes—the seizure of his land and his degradation through the use of liquor.

Barbour, Secretary of War for three years during the administration of John Quincy Adams, in 1826 summed up the condition and prospects of the Indians in a letter to the chairman of the Committee on Indian Affairs of the House of Representatives, in part as follows:

. . . The history of the past presents but little on which the recollection lingers with satisfaction. The future is not more cheerful, unless resort be speedily had to other councils than those by which we have heretofore been governed. From the first discovery of America to the present time, one master passion common to all mankind, that of acquiring land, has driven, in ceaseless succession, the white man on the Indian. The latter reluctantly yielding to a force he could not resist, has retired from the ocean to the mountains, and from the mountains to more inhospitable recesses, wasting away by sufferings, and by wars, foreign and intestine, till a wretched fragment only survives, of the numerous hordes once inhabiting this country, whose portion is to brood in grief over their past misfortunes, or to look in despair on the approaching catastrophe of their impending doom."

The pessimism of Barbour seems to be justified by a letter from William Clark, Superintendent of Indian Affairs at St. Louis, quoted by Representative Woods of Ohio in 1828, part of which is as follows:

The situation of the Indians west of the Mississippi is the most pitiable that can be imagined. During several seasons of every year they are distressed by famine, of which many die for want of food. . . . It is in vain to talk to people in this situation about learning and religion. They want a regular supply of food; and until this is obtained, the operations of the mind must take the instinct of mere animals, and be confined to warding off hunger and cold."

In the same year Schoolcraft bewailed the lack of interest of Congress and made some observations which have been applicable to the subject many times in later years:

. . . If the Indian were raised to the right of giving his suffrage, a plenty of politicians, on the frontiers, would enter into plans to

" 19 Cong. 1 sess., H. doc. 102, p. 5.

" 20 Cong. 1 sess., *Register of Debates*, p. 1558.

better him. Now the subject drags along as an incubus on Congress. Legislation for them is only taken up on a pinch. It is a mere expedient to get along with the subject; it is taken up unwillingly, and dropped in a hurry. This is the Indian system. Nobody knows really what to do, and those who have more information are deemed to be a little moon-struck."

Lewis Cass, then Governor of Michigan Territory, keenly interested in the development of the Territory, but at the same time anxious that justice should be done to the Indians, wrote to Schoolcraft in 1828:

. . . I am waiting here very impatiently for arrivals from the Indian country. But nothing comes, as yet, except proof stronger and stronger of the injustice done to the Winnebagoes by the actual seizure of their country."

The liquor problem continued to present a disgraceful phase of Indian relations. The laws forbidding the introduction of liquor were openly violated, although it might be supposed that the settlers would be interested in keeping whiskey from the Indians, as its use generally excited them to deeds of violence. Schoolcraft says that in the Northwest the exigencies of trade led the government to give the American Fur Company permission to introduce liquor in order to enable it to compete with the Hudson's Bay Company."

*Indian Policy from 1840 to 1871.* The consummation, in the latter part of Van Buren's administration, of the removal of the greater part of the eastern tribes marks the end of one stage of Indian administration. For over a quarter of a century, or until the beginning of Grant's administration, there was practically no contribution to the betterment of Indian relations on the part of

"Schoolcraft, *Personal memoirs*, pp. 318-19. President Arthur in his annual message in 1881 made practically the same statement in the following words:

"It has been easier to resort to convenient makeshifts than to grapple with the great permanent problem, and accordingly the easier course has almost invariably been pursued."

"Schoolcraft, *op. cit.*, pp. 310-311.

"*Ibid.*, p. 326. See also Letter from Col. Snelling to War Department, American State Papers, Indian Affairs, Vol. 2, p. 661. Grace Lee Nute states that the records of the American Fur Company show that "the company was in favor of prohibiting the sale of liquor to the Indians." Papers of the American Fur Company, *Amer. Hist. Rev.*, Vol. 32, p. 529.

either the executive or legislative branches of the government. It is true that the Office of Indian Affairs was transferred from the War Department to the newly created Department of the Interior in 1849, but this did not affect Indian policies or administration, as the Office of Indian Affairs had been essentially a civilian bureau. Army officers were occasionally employed as agents, but this was also done from time to time for many years after the War Department was divested of its control of Indian relations.

During this period the field of activities was broadened by the settlement of the Oregon country and the acquisition of the Mexican cession. The annexation of Texas also brought some Indians under the jurisdiction of the Bureau, although there were never any Indian reservations in that state, as by agreement with the United States, the Indians were removed to the Indian Territory.

Oregon Territory was settled before any provision had been made for extinguishing the Indian title,<sup>18</sup> and it was not until 1850 that treaties were made with the native tribes. In California eighteen treaties were negotiated with the Indian tribes in 1851 and 1852, but they were never ratified by the Senate and consequently never went into effect.<sup>19</sup>

The Indian agent at Camp Norris in the Sacramento Valley, in an open letter to California settlers, draws a sorry picture of the condition of affairs in that state. He says:

I am sorry to say that, in many instances, they have been treated in a manner, were it recorded, would blot the darkest page of history that has yet been penned. . . .

\* \* \* \*

Indians have been shot down, without evidence of their having committed an offense, and without even any explanation to them of the nature of our laws. . . .<sup>20</sup>

The first attempt to segregate the Indians on reservations was made in California in 1853 in accordance with authority granted by the Indian appropriation act of March 3, 1853 (10 Stat. L., 238). Prior to that time the treaties with the several tribes had provided

<sup>18</sup> Commissioner of Indian Affairs, Annual Report, 1858, p. 7.

<sup>19</sup> For history and condition of California Indians see reports by Malcolm McDowell in Board of Indian Commissioners, Annual Report, 1920.

<sup>20</sup> Commissioner of Indian Affairs, Annual Report, 1851, p. 229.

for cessions of lands to the United States, the Indians retaining the right of occupancy to the lands not ceded. The failure of the Senate to ratify the treaties made with the California Indians in 1851 and 1852 resulted in the crowding out of the Indians by the white settlers, and in order to give them a definite location the President was authorized to establish not more than five reservations of not exceeding 25,000 acres each.

The rapid settlement of the West made it imperative for the government to proceed energetically with the extinguishment of the Indian title, and from 1853 to 1856 there were negotiated fifty-two treaties, more than during any other similar period. Commenting on these treaties the Commissioner of Indian Affairs, in his report for 1856, says:

. . . The quantity of land acquired by these treaties, either by the extinguishment of the original Indian titles, or by the re-acquisition of lands granted to Indian tribes by former treaties, is about one hundred and seventy-four millions of acres. Thirty-two of these treaties have been ratified, and twenty are now before the Senate for its consideration and action. In no former equal period of our history have so many treaties been made, or such vast accessions of land been obtained. Within the same period the jurisdiction of this office and the operations of its agents have been extended over an additional area of from four to six thousand square miles of territory, embracing tribes about which, before that time, but little was known; and by authority of several acts of Congress thirteen new agencies and nine sub-agencies have been established."

While the Indian right of exclusive occupancy was guaranteed by solemn treaties the government was apparently powerless to protect the Indians from intruders "reckless of the rights of the present possessors and contemptuous of the authority of law."<sup>78</sup> Another officer of the Indian Service, the agent on the Upper Platte, pointed out in strong terms the adverse influences that surrounded the agent and his work:

Those whites who reside among the Indians of the prairies are not the pioneers of civilization or settlements, but emphatically

<sup>78</sup> *Ibid.*, 1856, p. 20.

<sup>79</sup> Alexander Ramsay, Governor of Minnesota, and *ex officio* Superintendent of Indian Affairs, in Commissioner of Indian Affairs, Annual Report, 1851, p. 158.

fugitives from both. I speak of them as a class, to which, I am able to state, and I do it with pleasure, there are many exceptions. But these rare examples of high-minded and honorable men residing in the Indian country do not destroy the force of my argument. They came to the country when young, and remain here, far from the circle-fires of civilization, by the force of habit and inclination, and the interests of the Indian trade in which they are engaged.

Those other whites, who do not come under the exceptions to my general proposition, are peculiar to the Indian country, and are to be found nowhere else. It is impossible for them to reside in the States or organized Territories, because the relations of peace and amity between them and the courts of justice are interrupted. They have escaped here, as being a secure place of refuge and shelter, and obtain employment and a precarious subsistence from the licensed traders as employes, in various capacities, and, as a matter of course, are brought into contact and association with the Indians constantly. They are addicted to all of the lowest and most degrading vices, and soon learn the language sufficiently to teach the Indians lessons in their own school of depravity. They win their confidence, and allure them on to ruin step by step. It may be asked by those unacquainted with the Indian country why this state of things is permitted to exist for a day; or why are not the humane and benevolent intentions of Congress, as enacted in the laws regulating trade and intercourse with the Indian tribes, enforced; and why are the orders and instructions of the Department of the Interior disregarded? I reply, for the simple and plain reason, that the Indian agent, your executive and administrative officer, is powerless to control these matters. If he attempts to execute and enforce the laws, he is assailed by these men, claiming *civilisanship*, with a force—an outside pressure, greater than the power of the throne itself. They form conspiracies against him, and hold talks with the Indians, the object of which is to make them discontented with the agent, and disaffected towards the government, should the department decline to comply with their demands to remove the unpopular agent. I have no intention to magnify these practices, fraught with such imminent peril, and tending to disturb the peace and tranquillity of, and endanger the lives of the official agents of the department, and other whites, in the Indian country.

\* \* \* \*

. . . There is not to be found among any people a more cheerful, contented and kindly disposed being than the Indian, when he is treated with kindness and humanity. His friendships are strong and lasting, and his love for and attachment to his children, kindred and tribe, have a depth and intensity which place him on an equality with the civilized race. His love and veneration for the whites amount to adoration, which is only changed to hatred and revenge



by oppression, cruelties and deep wrongs and injuries inflicted upon the poor Indian, by the white man, without cause or reason. By his education on the war path, which leads to honor, fame and distinction, the Indian is a relentless, a terrible enemy; he spares neither age nor sex, nor condition, but slaughters every one that falls in his path indiscriminately. He neither knows nor heeds the laws of modern warfare, as practised and observed by an enlightened civilization. As a consequence, the first yell of the war whoop has scarcely died away in its distant echoes before a war of extermination is begun and waged against the poor Indian, and the innocent and the guilty alike perish, and their bones are left to bleach on their own happy hunting grounds. This is but a faint picture of Indian wars that have waged for short periods in every State and Territory of the Union, and which will burst forth constantly, until the power of the government is exerted to remove lawless and desperate whites from the Indian country, and change the habits of the Indian from a roving and hunter life to one of agriculture and fixed habitations."<sup>7</sup>

Father De Smet, who spent the better part of his life in missionary work among the Indian tribes, in 1870 wrote to a correspondent in glowing terms on the development of Kansas, but he also took occasion to point out some of the evils that came with the settlers:

I will speak only of the Potawatomes, whom I have lately visited, and who are divided into two classes, those who are civilized and those who are not.

The civilized Potawatomes, that is, those of the Indians who are in submission to the American government, form a majority of the people. They are at the present moment passing through a most critical, but not unforeseen, trial. They have recently received from the Government, with the full ownership of their allotments of land or their farms, a sum of \$500 per capita, something over 2500 francs. This was the signal for the arrival of a horde of white men, who swooped down like vultures on these savages, and made unheard of efforts to ruin and destroy those innocent creatures, once so happy. Drink, the abominable whisky, was brought in abundance to St. Marys and among all the neighboring peoples, who had also received money payments from the Government. . . .

Despite all efforts made by those tools of hell, the whites, to brutalize the Indians, the missionaries have not been without consolation."<sup>8</sup>

<sup>7</sup> Commissioner of Indian Affairs, Annual Report, 1856, pp. 88, 91.

<sup>8</sup> Chittenden and Richardson, *Life, letters and travels of Father Pierre Jean De Smet*, Vol. 3, pp. 929-30.

Not only did the border settlers encroach on the Indians, but the government also neglected to observe the treaties, and the agents robbed the Indians of their annuity money and goods. Appointments in the Indian field service were made for political reasons and with little regard to fitness. Undoubtedly there were some men who labored earnestly for the welfare of the Indian, but the service as a whole was generally regarded as inefficient and corrupt.

In 1862 Bishop Whipple addressed the President in part as follows on the character of Indian administration as he had known it:

The Indian agents who are placed in trust of the honor and faith of the government are generally selected without any reference to their fitness for the place. The congressional delegation desire to reward John Doe for party work, and John Doe desires the place, because there is a tradition on the border that an Indian agent with fifteen hundred dollars a year can retire upon an ample fortune in four years.

The Indian agent appoints his subordinates from the same motive, either to reward his friend's service, or to fulfil the bidding of his Congressional patron. They are often men without any fitness, sometimes a disgrace to a Christian nation; whiskey sellers, bar-room loungers, debauchees, selected to guide a heathen people. Then follow all the evils of bad example, of inefficiency, and of dishonesty. The school a sham; the supplies wasted; the improvement fund squandered by negligence, or curtailed by fraudulent contracts. The Indian bewildered, conscious of wrong, but helpless, has no refuge but to sink into depths of brutishness never known to his fathers. There have been noble instances of men who have tried to do their duty, but they have been generally powerless for lack of the hearty coöperation of others, or because no one man could withstand the corruption which had pervaded every department of Indian affairs."<sup>77</sup>

Secretary Stanton in 1864 made the following significant remarks to General Halleck on the occasion of a visit of Bishop Whipple to Washington with a party of Red Lake chiefs and friendly Sioux:

What does Bishop Whipple want? If he has come here to tell us of the corruption of our Indian system, and the dishonesty of Indian agents, tell him that we know it. But the Government never reforms an evil until the people demand it. Tell him that when he reaches the heart of the American people, the Indians will be saved."<sup>78</sup>

<sup>77</sup> 37 Cong. 2 sess., S. misc. doc. 77, p. 2.

<sup>78</sup> Whipple, *Lights and shadows of a long episcopate*, p. 144.

The Indian Peace Commission of 1867 reported on this as follows:

. . . The records are abundant to show that agents have pocketed the funds appropriated by the government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war, in Minnesota, is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty and qualification as for devotion to party interests and their willingness to apply the money of the Indian to promote the selfish schemes of local politicians. . . .<sup>81</sup>

The annual reports of this period contain accounts of the depredations by Indians and the intrusions of the white population on Indian land, but they contain little that indicates inefficiency or venality in the service itself. Occasionally when a new agent was appointed he took occasion in his first report to point out some of the shortcomings of his predecessor, but as a rule the reader would not suspect that the service was under suspicion.

Nor was there any organized public opinion which seemed to be interested particularly in the Indian. When the removal question was under debate in the thirties, a considerable amount of public attention was given to the Indian, but with removal accomplished Indian affairs gave way to more vital problems—slavery, the Civil War, and the bitter fight over reconstruction.

The East was indifferent to the Indian. The West, as a rule, was openly hostile. Here and there appeared a militant figure like Bishop Whipple, who although in charge of the frontier diocese of Minnesota, did not hesitate to lift his voice in strong protest against injustice and chicanery.

In spite of the lack of attention to Indian affairs, public men generally regarded the service as one of the weakest spots in the government. In 1864 Stanton had so admitted,<sup>82</sup> and in 1869 General Garfield, then a member of the House of Representatives, made the following scathing indictment:

. . . Now, after a considerable study of this subject, I am compelled to say that no branch of the national government is so spotted

<sup>81</sup> 40 Cong. 2 sess., H. ex. doc. 97, p. 21.

<sup>82</sup> See page 47.

with fraud, so tainted with corruption, so utterly unworthy of a free and enlightened government, as this Indian department. . . .<sup>83</sup>

The Civil War naturally had a disturbing influence on Indian relations. The agents with the Cherokees, Choctaws, Chickasaws, and Creeks went over to the Confederacy. These tribes were at first inclined to remain neutral, but after the withdrawal of Union troops from their country and the success of the Southern troops in Arkansas they became allies of the Confederacy. Many Indians, however, adhered to the Union cause, and in 1862 over seven thousand loyal Indians were camped along the Kansas border, where they had been driven after the Confederates overran their territory. Afterwards an Indian brigade was organized in the Union army. By 1863 the Cherokee Nation repudiated its adherence to the Confederacy and remained loyal throughout the remainder of the war.

The effects of the war were also felt in the North, where the Sioux went on the war path in 1862 and massacred hundreds of settlers in frontier settlements of Minnesota. This outbreak, while due in part to the character of the agents, was also indirectly due to the Civil War, as the financial embarrassment of the government resulted in delay in the receipts of annuities and payment in paper instead of specie. It has also been claimed that agents of the Confederacy were instrumental in urging the Sioux to go to war.

An incident of the Sioux war was another removal of the Winnebagoes, this time from Minnesota to the Crow Creek Reservation on the Missouri River.<sup>84</sup> Notwithstanding the fact that it was clearly shown that these Indians had no part in the Sioux outbreak, public opinion in Minnesota was insistent that they be removed from the state. Father De Smet thus refers to this emigration.<sup>85</sup>

. . . What preparation had been made to receive so many wretched beings, who saw themselves forced to leave their tents, cabins, fields, gardens, mills, fishing grounds? They were given in exchange a

<sup>83</sup> 40 Cong. 3 sess., *Congressional Globe*, p. 881.

<sup>84</sup> Originally the Winnebagoes lived along the Wisconsin, Fox, and Rock Rivers and Green Bay in Wisconsin. In 1840 they removed to Iowa, in 1846 to the region north of Minnesota River, in 1848 to Crow Wing River, in 1853 to Crow River, and in 1856 to Blue Earth.

<sup>85</sup> Chittenden and Richardson, *op. cit.*, Vol. 3, p. 82.

portion of desert, comparatively uncultivated, and miserable, destitute of animals and game, and besides this, they were set down in the vicinity of the Sioux, their mortal enemies from ancient times.

When they reached this place, the planting season was already too far along for favorable results. Last winter was long and severe. These savages were put on short rations. This spring they found themselves in addition without grain or seeds. A great number of their children have already died of destitution; for the most part they have starved to death. To-day they are found scattered all over in groups of two, three or four families, hiding upon the islands or along the shores of the Missouri. . . . Soldiers are stationed at different points along the river, to intercept them and take them back by force upon this "reservation" of desolation, where eighty of the poor wretches have succumbed already. It is one more link attached to the long chain of cruelties and injustices inflicted upon the unhappy natives. Some of the newspapers have made an outcry asking "Who is to blame for this barbarous conduct toward the Winnebagoes?" And the answer is "Who?" In fact, no light has yet been obtained upon this sad affair; but an investigation has been made.

On March 3, 1865, Congress passed a resolution (13 Stat. L., 572) for a joint committee to inquire into the condition of the Indian tribes and their treatment by the civil and military authorities. This commission took a mass of testimony, and in 1867 reported in part as follows:

*First.* The Indians everywhere, with the exception of the tribes within the Indian Territory, are rapidly decreasing in numbers from various causes: By disease; by intemperance; by wars, among themselves and with the whites; by the steady and resistless emigration of white men in the territories of the west, which, confining the Indians to still narrower limits, destroys that game which, in their normal state, constitutes their principal means of subsistence; and by the irrepressible conflict between a superior and an inferior race when brought in presence of each other. . . .

\* \* \* \*

*Second.* The committee are of opinion that in a large majority of cases Indian wars are to be traced to the aggressions of lawless white men, always to be found upon the frontier, or boundary line between savage and civilized life. Such is the statement of the most experienced officers of the army, and of all of those who have been long conversant with Indian affairs.

\* \* \* \*

*Third.* Another potent cause of their decay is to be found in the loss of their hunting grounds, and in the destruction of that game upon which the Indian subsists. . . .

\* \* \* \*

*Fourth.* The question whether the Indian Bureau should be placed under the War Department or retained in the Department of the Interior is one of considerable importance, and both sides have very warm advocates. . . .

| \* \* \*

While it is true many agents, teachers, and employees of the government are inefficient, faithless, and even guilty of peculations and fraudulent practices upon the government and upon the Indians, it is equally true that military posts among the Indians have frequently become centers of demoralization and destruction to the Indian tribes, while the blunders and want of discretion of inexperienced officers in command have brought on long and expensive wars, the cost of which, being included in the expenditures of the army, are never seen and realized by the people of the country.

\* \* \* \*

*Fifth.* In our Indian system, beyond all doubt, there are evils, growing out of the nature of the case itself, which can never be remedied until the Indian race is civilized or shall entirely disappear.

\* \* \* \*

As the best means of correcting these abuses and ameliorating those evils, the committee recommended the subdivision of the Territories and States wherein the Indian tribes remain into five inspection districts, and the appointment of five boards of inspection; and they earnestly recommend the passage of Senate bill 188, now pending before the House. . . . It is the most certainly efficient mode of preventing those abuses which they have been able to devise."

The bill drafted by the joint committee provided for five permanent boards of inspection, each to consist of an Assistant Commissioner of Indian Affairs, an officer of the army, and a "visitor to be selected annually by the President from among such persons as may be recommended by the annual meetings or conventions of the religious societies or denominations of the United States as suitable persons to act upon such boards; or in case of their failure to make such recommendation, from among such persons as he shall deem proper." It was contemplated that every Indian tribe and

<sup>86</sup> 39 Cong. 2 sess., S. rep. 156, pp. 3-8.

agency should be inspected once a year in order that abuses might be corrected. "Such a board not organized upon political grounds at all, and possessing, as they will, the important powers conferred in the third section of the bill, will, in the judgment of the committee, do more to secure the faithful administration of Indian affairs than any other measure which has been suggested."<sup>87</sup>

This bill failed, notwithstanding the fact that there was considerable merit in the idea of having inspecting boards.

At this time neither the Commissioner of Indian Affairs nor the Secretary of the Interior had any inspecting force to bring them into direct touch with conditions in the field. The service was organized into certain superintendencies, under which were most of the agencies, although some agencies apparently received their instructions directly from the Washington office. Some of the superintendents devoted all their time to Indian affairs, while in several cases the old practice, started in 1789, was followed of having the territorial governor act as *ex officio* superintendent. In 1867 the organization was apparently as follows:

1. Commissioner of Indian Affairs

1. Washington Superintendency, comprising Territory of Washington
2. Oregon Superintendency, comprising State of Oregon
3. California Superintendency, comprising State of California
4. Arizona Superintendency, comprising Territory of Arizona
5. Nevada Superintendency, comprising State of Nevada
6. Utah Superintendency, comprising Territory of Utah
7. New Mexico Superintendency, comprising Territory of New Mexico
8. Colorado Superintendency, comprising Territory of Colorado<sup>88</sup>
9. Dakota Superintendency, comprising Territory of Dakota<sup>88</sup>
10. Idaho Superintendency, comprising Territory of Idaho<sup>88</sup>
11. Montana Superintendency, comprising Territory of Montana<sup>88</sup>
12. Northern Superintendency, comprising Iowa and Nebraska
13. Central Superintendency, comprising Kansas and a part of Indian Territory
14. Southern Superintendency, comprising the greater part of Indian Territory
15. Green Bay Agency, Wisconsin
16. Michigan Agency, comprising State of Michigan
17. Agency of Chippewas of the Mississippi, Minnesota
18. Agency of Chippewas of Lake Superior, Wisconsin
19. New York Agency, comprising western New York
20. Sac and Fox Agency, Iowa
21. Stray bands of Winnebago and Pottawatomie in Wisconsin

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<sup>87</sup> *Ibid.*, p. 9.

<sup>88</sup> Governor of Territory, *ex officio* Superintendent of Indian Affairs.

The ending of the Civil War increased rather than diminished the difficulties of Indian administration. The ever increasing tide of settlers and the construction of railroads reduced the hunting grounds of the natives and resulted in frequent clashes. By 1867 the fires of war were blazing throughout the Great Plains. The ordinary machinery of the government seemed to be unable to devise any plan for obtaining peace, so Congress, on June 20, 1867 (15 Stat. L., 17), created a special commission "to ascertain the alleged reasons for their acts of hostility, and in their discretion, under the direction of the President, to make and conclude with said bands or tribes such treaty stipulations, subject to the action of the Senate, as may remove all just causes of complaint on their part, and at the same time establish security for person and property along the lines of railroad now being constructed to the Pacific and other thoroughfares of travel to the Western Territories, and such as will most likely insure civilization for the Indians and peace and safety for the whites." It was also directed to recommend districts in which the Indians should be segregated.

The law creating this commission provided that it be composed of N. G. Taylor, Commissioner of Indian Affairs, John B. Henderson, Chairman of the Senate Committee on Indian Affairs, S. S. Tappan, John B. Sanborn, and three officers of the army, not below the rank of brigadier general, to be selected by the President, who designated Lieutenant General William T. Sherman, Major General William S. Harney, and Major General A. H. Terry. Apparently later Major General C. C. Augur acted in place of General Sherman, although all four of the officers signed the report.

This commission succeeded in obtaining peace with the Indians, and in its report went at some length into the causes of the outbreak.<sup>80</sup> As regards segregation it suggested that all the tribes east of the Rocky Mountains be collected in two districts: in the Indian Territory and in an area bounded on the north by the forty-sixth parallel, on the east by the Missouri River, on the south by Nebraska, and on the west by the one hundred and fourth meridian.<sup>80</sup>

<sup>80</sup> 40 Cong. 2 sess., H. ex. doc. 97. The report is also published in Commissioner of Indian Affairs, Annual Report, 1868.

<sup>80</sup> This is approximately the portion of the present state of South Dakota west of the Missouri River—about half of the state.



As regards the civilization of the Indians the recommendations may be summarized as follows:

1. That the laws be thoroughly revised
2. That the supervision of Indian affairs be not turned over to the War Department
3. That all superintendents and agents be removed and that the competent and faithful be reappointed
4. That the Office of Indian Affairs be made an independent establishment
5. That governors of territories be divested of their duties as *ex officio* superintendents of Indian affairs
6. That states and territories be forbidden to call out troops to wage war against Indians
7. That the laws governing trade be revised
8. That adequate provision be made for removing trespassers on Indian lands
9. That a treaty be made with the Navajo
10. That the President appoint inspectors, who should report to him
11. That a commission be appointed to treat with the Sioux

In a supplemental report the commission recommended that the Office of Indian Affairs be transferred to the War Department and that the "government should cease to recognize the Indian tribes as 'domestic dependent nations,' except so far as it may be required to recognize them as such by existing treaties, and by treaties made but not yet ratified; that hereafter all Indians should be considered and held to be individually subject to the laws of the United States, except where and while it is otherwise provided in said treaties, and that they should be entitled to the same protection from said laws as other persons owing allegiance to the government enjoy."<sup>22</sup>

When Grant became President in 1869 he promptly adopted a new policy as regards the appointing of Indian agents by delegating their nomination to the several religious organizations interested in mission work among the Indians. This was a rather curious acknowledgment of the power of the politicians in controlling the appointments of the President. As the law required Indian agents to be confirmed by the Senate, the President evidently felt that he could not secure the confirmation of men selected for other than political reasons unless there was some well-defined organization that Senators would fear to offend. In the early days of the administration the Society of Friends selected the agents in Nebraska,

<sup>22</sup> Commissioner of Indian Affairs, Annual Report, 1868, p. 371.

Kansas, and Indian Territory. The other agencies, except those in Oregon, were placed in the charge of army officers. As the army appropriation act of July 15, 1870 (16 Stat. L., 319), provided that any officer on the active list accepting a civil appointment should vacate his commission, army officers were compelled to relinquish the posts of Indian agents, and the remaining agencies were divided among religious organizations other than the Society of Friends."

While the Indian Peace Commission succeeded in ending the Indian wars, the treaties negotiated by it and ratified by the Senate were not acceptable to the House of Representatives. As the Senate alone ratified the treaties, the House had no opportunity of expressing its opinion regarding them until the appropriation bill for the fiscal year 1870, making appropriations for carrying out the treaties, came before it for approval during the third session of the Fortieth Congress. The items providing funds for fulfilling the treaties were inserted by the Senate, but the House refused to agree to them, and the session expired on March 4, 1869, without any appropriations being made for the Indian Office for the fiscal year beginning July 1. When the first session of the Forty-first Congress convened in March, 1869, a bill was passed by the House in the same form as at the previous session. The Senate promptly

"General Sherman states that the section of the act of July 15, 1870, prohibiting army officers from holding civil positions was directly aimed at the Indian agents and that the delegation of the selection to the religious bodies was the result of this act. While this act undoubtedly resulted in more selections being delegated to the religious organizations, it was not the cause of this policy, as Grant in his first annual message in 1869 referred in hopeful terms to the new policy, which embraced both the use of army officers and the selection of agents by religious organizations. *Memoirs* (2 ed.), Vol. 2, p. 437.

By 1872 the agencies were divided as follows:

The Hicksite Friends had in their charge six agencies, with 6,598 Indians; Orthodox Friends, ten agencies, with 17,724 Indians; Baptists, five agencies, with 40,800 Indians; Presbyterians, nine agencies, with 38,069 Indians; Christians, two agencies, with 8,287 Indians; Methodists, fourteen agencies, with 54,473 Indians; Catholics, seven agencies, with 17,856 Indians; Reformed Dutch, five agencies, with 8,118 Indians; Congregationalists, three agencies, with 14,476 Indians; Episcopalians, eight agencies, with 26,929 Indians; the American Board of Commissioners for Foreign Missions, one agency, with 1,496 Indians; Unitarians, two agencies with 3,800 Indians; Lutherans, one agency, with 273 Indians.

The policy of nomination by the religious bodies was gradually abandoned, and was entirely discontinued by the early eighties.

amended it to include the sums needed to carry out the treaties negotiated by the Peace Commission. The House again refused to agree but a compromise was finally reached by which there was voted in addition to the usual appropriations a lump sum of two million dollars "to enable the President to maintain peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support" (16 Stat. L., 40).

The House also insisted on the insertion of a section providing "That nothing in this act contained, or in any of the provisions thereof, shall be so construed as to ratify or approve any treaty made with any tribes, bands or parties of Indians since the twentieth day of July, 1867." This was rather a remarkable piece of legislation in that while it did not abrogate the treaties, it withheld its approval although the treaties had already been formally ratified and proclaimed. It had no legal effect, but merely wrote into the act the feeling of the House of Representatives. At the next session of Congress a similar section was added to the Indian appropriation act for the fiscal year 1871, with the additional provision that nothing in the act should ratify, approve, or disaffirm any treaty made since July 20, 1867, "or affirm or disaffirm any of the powers of the Executive and Senate over the subject." The entire section, however, was inadvertently omitted in the enrollment of the bill, and was not formally enacted until the passage of the appropriation act for the fiscal year 1872 (16 Stat. L., 570).

Probably one of the reasons for the refusal of the House to agree to the treaty provisions was its distrust of the administration of the Office of Indian Affairs, for it was during the debate on this bill that General Garfield made his scathing indictment of that Office.<sup>22</sup> In order to have additional supervision over the expenditure of Indian appropriations the act of April 10, 1869 (16 Stat. L., 40), authorized the President "to organize a board of Commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior

<sup>22</sup> See page 48.

over the disbursement of the appropriations made by this act." The Board of Indian Commissioners, authorized by this act, was organized by the executive order of June 3, 1869, and is still in existence, although its powers have been changed by later legislation.<sup>84</sup>

One of the early matters to claim the attention of the Board was the supervision of the purchase of annuity goods and supplies. The specifications were revised and the method of awarding contracts was changed in order to insure competition. The Commissioner of Indian Affairs in 1877 commented on this work as follows:

. . . Prior to that time [1870] it was the custom to receive bids for annuity goods and supplies in classes. By this system a bidder was obliged, for example, to bid for all the dry goods needed in one class, *i. e.*, to make a price for every article in the long list called for, the bureau reserving the right to alter quantities to suit its requirements. Under this system the contract went year after year to one house, and was looked upon by the public as a practical monopoly, so much so that competition fell off, one house seeming always to have inside information from some one connected with the bureau. The original Board of Indian Commissioners aimed its first blow at this faulty system, and secured a reform in this particular by requiring bids to be made for each article separately. By this method only, a fair competition could be had. From this date a decided improvement in the manner of purchasing took place.<sup>85</sup>

The Board also gave attention to many of the more important questions of Indian policy, and as it was entirely independent of the Office of Indian Affairs, and not influenced by the opinions of that organization, it was able to give new points of view regarding the treatment of many problems.

<sup>84</sup> The first work of the Board was to systematize and reform the purchasing methods and to make a detailed audit of the accounts of the Indian Service. By the act of July 15, 1870 (16 Stat. L., 360), it was directed to inspect all goods purchased. The act of March 3, 1871 (16 Stat. L., 568), provided that not more than 50 per cent of the amount due any contractor should be paid until the accounts and vouchers had been submitted to the executive committee of the board, although the Secretary of the Interior could authorize payment to be made even if the voucher was disapproved by the Board. The act of May 17, 1882 (22 Stat. L., 70), limited the duties of the Board to the visitation and inspection of goods purchased and agencies; this act also provides that the Commissioner of Indian Affairs should consult with the Board in the purchase of supplies.

<sup>85</sup> Commissioner of Indian Affairs, Annual Report, 1877, p. 9.

*Discontinuance of Treaty Making, 1871.* When the appropriation bill for the fiscal year 1871 came up in the second session of the Forty-first Congress the fight of the previous year was renewed, the Senate insisting on appropriations for carrying out the new treaties and the House refusing to grant any funds for that purpose. As the end of the session approached it appeared as if the bill would fail entirely, but after the President had called the attention of Congress to the necessity of making the appropriations, the two houses finally reconciled their differences.

The strong fight made by the House and expressions of many members of the Senate made it evident that the treaty system had reached its end, and the Indian appropriation act for the fiscal year 1872, approved on March 3, 1871 (16 Stat. L., 566), contained the following clause, tacked on to a sentence making an appropriation for the Yankton Indians: "*Provided, That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty: Provided further, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe.*"

There was, thus, brought to an end the almost century-old practice of making treaties with the Indian tribes. Like many other practices of the government it was an inheritance from the colonies, and while Marshall's decisions defining the status of these "domestic dependent nations" were eminently sound in view of historical developments in the early part of the nineteenth century, the treaty system had long outlived its usefulness. It was an anomalous situation to negotiate with tribes within the territory of the United States as if they were foreign nations. Calhoun had recognized this as early as 1820, when in a letter to the Speaker of the House of Representatives he wrote as follows:

Although partial advances may be made, under the present system, to civilize the Indians, I am of an opinion, that, until there is a radical change in the system, any efforts, which may be made, must fall short of complete success. They must be brought gradually under our authority and laws, or they will insensibly waste away in vice and misery. It is impossible, with their customs,

that they should exist as independent communities, in the midst of civilized society. They are not in fact an independent people, (I speak of those surrounded by our population,) nor ought they to be so considered. They should be taken under our guardianship; and our opinion, and not theirs, ought to prevail, in measures intended for their civilization and happiness. A system less vigorous may protract, but cannot arrest their fate."<sup>16</sup>

Since the beginning of the government there had been made 370 treaties, some of which were with several tribes. With some of the tribes treaties were made repeatedly as conditions changed or as later cessions of land were made. That there was misunderstanding and dissatisfaction on both sides is not surprising. Even when there was no question regarding the good faith of the two parties, there were great difficulties in drafting the intentions of both sides. As the Indians had no written language and few of the chiefs even had a knowledge of English, the negotiations were carried on generally through interpreters, many of whom were inefficient.<sup>17</sup> The description of the lands ceded was also a source of misunderstanding. In the region east of the Mississippi, the geography was fairly well known, and it was possible to describe areas with a fair degree of accuracy by reference to the streams and ridges; the area west of the Mississippi, however, was little known when many of the treaties were made, and the descriptions were of the most indefinite character.

The method of making the treaties varied according to the character of the commissioners negotiating for them. Some were manifestly fraudulent; notably the treaty with the Creeks made in 1825. Others were signed by the Indians practically under duress. For instance, George C. Sibley, factor at Fort Osage, gives the following account of the negotiations with that tribe in 1808:

. . . On the 8th of November, 1808, Peter Chouteau, the United States' agent for the Osages, arrived at Fort Clark. On the 10th he assembled the Chiefs and warriors of the Great and Little Osages in council, and proceeded to state to them the substance of

<sup>16</sup> 16 Cong. 1 sess., H. doc. 46.

<sup>17</sup> Schoolcraft in 1838 made the following comment on interpreters: "The department is very much in the hands of ignorant and immoral interpreters, who frequently misconceive the point to be interpreted. Could we raise up a set of educated and moral men for this duty, the department would stand on high grounds." Personal memoirs, p. 583.

a treaty, which, he said, Governor Lewis<sup>88</sup> had deputed him to offer the Osages, and to execute with them. Having briefly explained to them the purport of the treaty, he addressed them to this effect, in my hearing, and very nearly in the following words: "You have heard this treaty explained to you. Those who now come forward and sign it, shall be considered friends of the United States, and treated accordingly. Those who refuse to come forward and sign it shall be considered enemies of the United States, and treated accordingly." The Osages replied in substance, "that if their great American father wanted a part of their land he must have it, that he was strong and powerful, they were poor and pitiful, what could they do? he had demanded their land and had thought proper to offer them something in return for it. They had no choice, they must either sign the treaty or be declared enemies of the United States."<sup>89</sup>

The commissioners sent to negotiate with the Oregon tribes gave the worst lands to the Indians, and naively reported on their action as follows:

. . . That these reservations will cause any considerable annoyance to the whites we do not believe. They consist, for the most part, of ground unfitted for cultivation, but suited to the peculiar habits of the Indians.<sup>1</sup>

But the Indians were not always to be cajoled into taking worthless lands, as was evidenced in 1866 by the experience of an agent who endeavored to negotiate a treaty with the Chippewas of Minnesota. This agent showed a copy of the treaty to Bishop Whipple, who advised him as follows:

The Indians will not sign this treaty; they are not fools. This is the poorest strip of land in Minnesota, and is unfit for cultivation. You propose to take their arable land, their best hunting ground,

<sup>88</sup> Meriwether Lewis, Governor of Louisiana Territory from 1807 until his death in 1809, who with William Clark conducted the expedition across the Rocky Mountains in 1804 to 1806. Clark about the same time was made Indian agent for Louisiana, and in 1813 became Governor of Missouri Territory, which position he held until the admission of Missouri as a state. In 1822 he was appointed to the newly created position of Superintendent of Indian Affairs, which he held until his death in 1838.

<sup>89</sup> James. Account of an expedition from Pittsburgh to the Rocky Mountains . . . under the command of Major Stephen H. Long, Vol. 2, p. 246 (Philadelphia, 1823). See page 111 for later removals of the Osage.

<sup>1</sup> Commissioner of Indian Affairs, Annual Report, 1851, p. 207.

their rice fields, and their fisheries, and give them a country where they cannot live without the support of the government.<sup>a</sup>

Nevertheless, the agent proceeded to present his treaty to the assembled Indians with the following statement:

. . . My red brothers, the winds of fifty-five winters have blown over my head and have silvered it with gray. In all that time I have not done wrong to a single human being. As the representative of the Great Father and as your friend, I advise you to sign this treaty at once.

To which the Chief of the Mille Lac replied:

My father, look at me! The winds of fifty-five winters have blown over my head and have silvered it with gray. But—they haven't blown my brains away.<sup>b</sup>

On the other hand there were many treaties in which the rights of the Indians were carefully guarded, and the framers of the documents took pains not to take advantage of the ignorance or helplessness of the natives. Lewis Cass, when Governor of Michigan and *ex officio* superintendent of Indian affairs for the territory, through his scrupulous regard for the rights of the Indians, was enabled to prevent Indian wars in spite of the intrigue engaged in by British agents along the northwest border after the war of 1812. Writing to Calhoun in 1823 regarding the purchase of lands on the Muskingum River, which had been granted to Indians who had gone to Canada as a result of encroachments by the whites, Cass said:

I cannot believe that any explanation is necessary in justification of the pecuniary compensation stipulated to be paid to these people. I should badly discharge the trust reposed in me, and fail altogether in carrying into effect the views of the government, had I endeavored to procure the land at the lowest possible price which their necessities might have induced them to accept. Although they have abandoned it never to return, yet their claim upon it is not weakened by this circumstance. Useless as the grant has become to them, and restrained as they are by our laws from conveying to any but the United States, still the intrinsic value of the property remains the

<sup>a</sup> Whipple, *Lights and shadows of a long episcopate*, p. 248.

<sup>b</sup> *Ibid.*, p. 249.



same, and the reunion of the legal and the equitable title will enable the government advantageously to dispose of it.<sup>4</sup>

One of the defects of the treaty system was that agreements were continually being made which were not carried into effect. This was due in part to inefficient administration, in part to the failure of Congress to make the necessary appropriations, and in part to the inherent difficulties presented by the nature of the problem. The purpose of the government, expressed in numerous statutes and state papers, had been the civilization of the Indian, yet the uniform policy had been repeatedly to remove him from the states and territories which had developed economically and culturally and to plant him on the frontiers in proximity to the portion of the population which had the least respect for his rights. This policy of keeping the Indian on the frontier likewise had a bad effect on administrative efforts. The distance of the agencies from the seat of government, the slowness of communication, the political character of the agents, and the lack of inspection all combined to make the field administration wasteful and inefficient.

Some of the stipulations of almost all treaties which it was impossible to carry out were those guaranteeing the Indians against the intrusion of the white settlers and providing for the punishment of white persons committing offenses against the Indians. As the exterior boundaries reserved to the Indians were thousands of miles in extent, it was impossible to police this area in such a way as to prevent trespass or to secure evidence against offenders.

For instance, the *Treaty of Fort Laramie*, made in 1851 with various tribes of Plains Indians, assigned to the Cheyennes and Arapahoes practically all of Colorado east of the Rocky Mountains, the southeast corner of Wyoming, the southwest corner of Nebraska, and a strip in western Kansas.<sup>5</sup> There were the usual

<sup>4</sup> McLaughlin, *The influence of Governor Cass on the development of the Northwest*, Amer. Hist. Assoc., Papers, Vol. 3, p. 324.

<sup>5</sup> The boundaries as described by the treaty were as follows:

"... Commencing at the Red Butte, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the headwaters of the Arkansas River; thence down the Arkansas River to the crossing of the Sante Fe road; thence in a northwesterly direction

provisions for the exclusive use of this area by the Indians, but the region was soon overrun by white settlers, and as was usual a new treaty was made at Fort Wise in 1861 (12 Stat. L., 1163) to obtain a cession of land already largely occupied by white settlers. Under this treaty the Cheyennes and Arapahoes ceded all their lands except a tract in southeastern Colorado.<sup>6</sup> This treaty also provided for the allotment of land in severalty to the Indian: also that farmers, millers, and mechanics should be sent among them to aid in their improvement and civilization. Affairs apparently moved along smoothly until 1864, when the usual clashes developed. These culminated in the killing of 500 Indian men, women, and children by territorial militia late in 1864.<sup>7</sup>

Peace was finally established in 1865 by another treaty by which the Indian gave up all their lands in Colorado, and accepted a reservation partly in southern Kansas and partly in Indian Territory (14 Stat. L., 703). When this treaty came before the Senate for ratification it was amended to require the President to designate

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to the forks of the Platte River, and thence up the Platte River to the place of beginning."

This treaty is not in the Statutes at Large, but is printed in Kappler, Indian affairs, laws and treaties, Vol. 2, p. 594. The treaty was ratified by the Senate with an amendment, subject to acceptance by the tribes. Assent of all the tribes except the Crows was secured, and the treaty was recognized as in force, as Congress made appropriations for the fulfilment of its stipulations.

<sup>6</sup> This tract was bounded as follows: Beginning at the mouth of the Sandy Fork of the Arkansas River and extending westwardly along the said river to the mouth of the Purgatory River; thence along up the west bank of the Purgatory River to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas River, five miles east of the mouth of the Huerfano River, would intersect said northern boundary of New Mexico; thence due north from that point on said boundary to the Sandy Fork of the place of beginning.

<sup>7</sup> The Peace Commission of 1867 refers to this incident as follows:

"It was here [at Fort Lyon], under the pledge of protection, that they were slaughtered by the Third Colorado and a battalion of the First Colorado cavalry under command of Colonel Chivington. . . . The particulars of this massacre are too well known to be repeated here with all its heartrending scenes. It is enough to say, that it scarcely has its parallel in the records of Indian barbarity. Fleeing women holding up their hands and praying for mercy were brutally shot down; infants were killed and scalped in derision, men were tortured and mutilated in a manner that would put to shame the savage ingenuity of interior Africa." 40 Cong. 2 sess., H. ex. doc. 97, p. 9.

a tract for the reservation outside of Kansas and not within any Indian reservation except with the consent of the tribe interested. This would have left the Cheyennes and Arapahoes without any home at all, as the Indian Territory lands belonged to the Cherokees. In 1867 another treaty was made, settling these Indians along the northern border of Indian Territory (15 Stat. L., 593), as in the meantime a treaty had been made with the Cherokees for the acquisition of the necessary lands. It later developed that the Cheyennes and Arapahoes had never been on this land and did not desire to go there, but wished to locate on the North Canadian along the western boundary of Indian Territory. Accordingly, by executive order of August 10, 1869, they were permanently placed on this tract.

It is not to be presumed that the policy of the government and the action of the border settlers were responsible for all the Indian hostilities which have been so luridly depicted in a vast mass of literature dealing with life on the frontier. The Indian was a savage, who often made war for the reasons of a savage, and carried it on according to the accepted beliefs of a savage as to how war should be waged. Of theft and unprovoked murder by the Indian there was plenty, but the same offenses lie at the doors of the white settlers. It is a significant fact that the Indians were friendly to the first settlers on the Atlantic coast and to the early explorers of the interior. Only after contact for some time between the two races did hostilities develop. If a balance could be struck to determine the responsibility for hostilities, it is not unlikely that the aggressions and broken faith of the whites would be responsible for a large portion of the difficulties.

It is inconceivable that a few hundred thousand Indians, in order to make a living by the chase, should retain the occupancy of an area capable of supporting millions by agriculture and industry. It was inevitable that the Indian should be pushed back, and the problem was made more difficult by the disinclination of the Indian to adopt agriculture as a means of support. But even where the Indian had abandoned the chase, as in Georgia, the white population was insistent on his removal.

The termination of the treaty-making power, as regards Indians, did not result in the ending of negotiations with the Indians. After

1871 the results of negotiations were embodied in agreements, which were ratified by both houses of Congress and formed part of the general body of statute law. These agreements were occasionally embodied in separate laws, but they were generally made a part of the annual appropriation act.

While the cessation of treaty-making ended the legal conception of Indian tribes as "domestic dependent nations," the act of 1871 did not establish the position of the Indian in the political system of the United States. He was neither citizen nor alien, and no process was provided by this or any earlier act by which the great mass of Indians might become citizens.<sup>8</sup> Nor did the Indian become a citizen by virtue of the Fourteenth Amendment, which provided that "all persons born or naturalized in the United States, and subject to the jurisdiction thereto, are citizens of the United States and of the State wherein they reside." In 1884, the Supreme Court held as follows:

Indians born within the territorial limits of the United States, members of, and owing allegiance to, one of the Indian tribes (an alien, though dependent, power), although in a geographical sense born in the United States, are no more "born in the United States and subject to the jurisdiction thereof," within the meaning of the first section of the Fourteenth Amendment, than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States, of ambassadors or other public ministers of foreign nations.

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The provision of the act of Congress of March 3, 1871, ch. 120, that "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognised as an independent nation, tribe or power with whom the United States may contract by treaty," is coupled with a provision that the obligation of any treaty already lawfully made is not to be thereby invalidated or impaired; and its utmost possible effect is to require the Indian tribes to be dealt with for the future through the legislative and not through the treaty-making power.<sup>9</sup>

The Indian could not sue or be sued. He was subject to indictment and trial in the United States courts for offenses committed

<sup>8</sup> By reasons of the provisions of some treaties and of some special acts a limited number of Indians had become citizens.

<sup>9</sup> *Elk v. Wilkins*, 112 U. S. 102, 107 (1884).

against white men, but no tribunal was authorized to try him for offenses against another Indian. The custom of the tribe was the supreme law in the relations between Indians except in so far as it was modified by the pressure that might be brought to bear by the agent. The prohibition of further treaties, thus, did not in itself change the status of the individual Indian or affect his relations with the government, the white man, or his fellow savage. It was, however, one step in the direction of breaking up the tribal relation and in the absorption of the Indian in the general community.

**Reservation Period, 1871 to 1887.** What is here termed the "Reservation Period" extends from the passage of the act providing that no more treaties should be made to the enactment of the law providing for allotment in severalty. Reservations existed before and after this period, but the predominant characteristics of those years were the segregation of the Indians on reservations, the issuance of rations, and the endeavor to exercise complete control by the agents.

*Issuance of Rations.* One of the features of Indian administration developed to its greatest extent during this period was the subsistence of large bodies of Indians in order to keep them quiet. The policy of the government in the issuance of rations was well set forth by Francis A. Walker, Commissioner of Indian Affairs, in his report for 1872.<sup>30</sup>

The Indian policy, so called, of the Government, is a policy, and it is not a policy, or rather it consists of two policies, entirely distinct, seeming, indeed, to be mutually inconsistent and to reflect each upon the other: the one regulating the treatment of the tribes which are potentially hostile, that is, whose hostility is only repressed just so long as, and so far as, they are supported in idleness by the Government; the other regulating the treatment of those tribes which, from traditional friendship, from numerical weakness, or by the force of their location, are either indisposed toward, or incapable of, resistance to the demands of the Government. The treatment of the feeble Poncas, and of the friendly Arrickarees, Mandans, and Gros Ventres of the north is an example of the latter; while the treatment of their insolent and semi-hostile neighbors, the Sioux, furnishes an example of the former. In the same way at

<sup>30</sup> Pp. 3, 8, 10.

the south, the treatment of the well-intentioned Papagoes of Arizona contrasts just as strongly with the dealings of the Government by their traditional enemies, the treacherous and vindictive Apaches. This want of completeness and consistency in the treatment of the Indian tribes by the Government has been made the occasion of much ridicule and partisan abuse; and it is indeed calculated to provoke criticism and to afford scope for satire; but it is none the less compatible with the highest expediency of the situation. It is, of course, hopelessly illogical that the expenditures of the Government should be proportioned not to the good but to the ill desert of the several tribes; that large bodies of Indians should be supported in entire indolence by the bounty of the Government simply because they are audacious and insolent, while well-disposed Indians are only assisted to self-maintenance, since it is known they will not fight. It is hardly less than absurd, on the first view of it, that delegations from tribes that have frequently defied our authority and fought our troops, and have never yielded more than a partial and grudging obedience to the most reasonable requirements of the Government, should be entertained at the national capital, feasted, and loaded with presents. There could be no better subject for the lively paragraphist in his best estate, or for the heavy editorial writer on a dull news day, than such a course on the part of the Government. These things can be made to appear vastly amusing, and the unreflecting are undoubtedly influenced in a great degree to the prejudice of the Indian policy by the incessant small-arms fire of squibs and epigrams, even more perhaps than by the ponderous artillery of argument and invective directed against it. And yet, for all this, the Government is right and its critics wrong; and the "Indian policy" is sound, sensible, and beneficent, because it reduces to the minimum the loss of life and property upon our frontier, and allows the freest development of our settlements and railways possible under the circumstances.

The mistake of those who oppose the present Indian policy is not in erroneously applying to the course of the Government the standard they have taken, but in taking an altogether false standard for the purpose. It is not a whit more unreasonable that the Government should do much for hostile Indians and little for friendly Indians than it is that a private citizen should, to save his life, surrender all the contents of his purse to a highwayman; while on another occasion, to a distressed and deserving applicant for charity, he would measure his contribution by his means and disposition at the time. There is precisely the same justification for the course of the Government in feeding saucy and mischievous Indians to repletion, while permitting more tractable and peaceful tribes to gather a bare subsistence by hard work, or what to an Indian is hard work. It is not, of course, to be understood that the Government of the United States is at the mercy of Indians;

but thousands of its citizens are, even thousands of families. Their exposed situation on the extreme verge of settlement affords a sufficient justification to the Government for buying off the hostility of the savages, excited and exasperated as they are, and most naturally so, by the invasion of their hunting-grounds and the threatened extinction of game. It would require one hundred thousand troops at least to form a *cordon* behind which our settlements could advance with the extent of range, the unrestrained choice of location, the security of feeling, and the freedom of movement which have characterized the growth of the past three or four years. Indeed, the presence of no military force could give that confidence to pioneer enterprise which the general cessation of Indian hostilities has engendered. Men of an adventurous cast will live and work behind a line of troops with, it is possible, some exhilaration of feeling on that account; but, as a rule, men will not place women and children in situations of even possible peril, nor will they put money into permanent improvements under such circumstances. Especially has the absence of Indian hostilities been of the highest value, within the last few years, in directing and determining to the extreme frontier the immigrants arriving in such vast numbers on our shores. . . .

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It is saying nothing against the course of the Government toward the semi-hostile tribes, to allege, as is often done, that it is merely temporizing with an evil. Temporizing as an expedient in government may be either a sign of weakness and folly, or it may be a proof of the highest wisdom. When an evil is manifestly on the increase, and tends to go from bad to worse, to temporize with it is cowardly and mischievous. Even when an evil cannot be said to be on the increase, yet when, not being self-limited or self-destructive, and having, therefore, no tendency to expire of inherent vices, it cannot be shown to be transient, the part of prudence and of courage is to meet and grapple with it without hesitation and without procrastination. But when an evil is in its nature self-limited, and tends to expire by the very conditions of its existence; when time itself fights against it, and the whole progress of the physical, social, and industrial order by steady degrees circumscribes its field, reduces its dimensions, and saps its strength, then temporizing may be the highest statesmanship.

Such an evil is that which the United States Government at present encounters in the resistance, more or less suppressed, of the Indian tribes of this continent to the progress of railways and settlements, growing out of the reasonable apprehension that their own existence as nations, and even their own individual means of subsistence within the duration of their own lives, will be destroyed thereby. This case differs from others recorded in history only in

this—that never was an evil so gigantic environed, invaded, devoured by forces so tremendous, so appalling in the celerity and the certainty of their advance.

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Had the settlements of the United States not been extended beyond the frontier of 1867, all the Indians of the continent would to the end of time have found upon the plains an inexhaustible supply of food and clothing. Were the westward course of population to be stayed at the barriers of to-day, notwithstanding the tremendous inroads made upon their hunting-grounds since 1867, the Indians would still have hope of life. But another such five years will see the Indians of Dakota and Montana as poor as the Indians of Nevada and Southern California; that is, reduced to an habitual condition of suffering from want of food.

The freedom of expansion which is working these results is to us of incalculable value. To the Indian it is of incalculable cost. Every year's advance of our frontier takes in a territory as large as some of the kingdoms of Europe. We are richer by hundreds of millions; the Indian is poorer by a large part of the little that he has. This growth is bringing imperial greatness to the nation; to the Indian it brings wretchedness, destitution, beggary. Surely there is obligation found in considerations like these, requiring us in some way, and in the best way, to make good to these original owners of the soil the loss by which we so greatly gain.

Can any principle of national morality be clearer than that, when the expansion and development of a civilized race involve the rapid destruction of the only means of subsistence possessed by the members of a less fortunate race, the higher is bound as a simple right to provide for the lower some substitute for the means of subsistence which it has destroyed? That substitute is, of course, best realized, not by systematic gratuities of food and clothing continued beyond a present emergency, but by directing these people to new pursuits which shall be consistent with the progress of civilization upon the continent; helping them over the first rough places on "the white man's road," and, meanwhile, supplying such subsistence as is absolutely necessary during the period of initiation and experiment.

In the case of the Sioux the treaty negotiated by the Peace Commission in 1868 (15 Stat. L., 635) provided for the issuance of one pound of meat and one pound of flour per day to each Indian over four years of age settling on the reservation. The treaty provided for this issue for a period of four years only, but in 1876 an agreement was made with the Sioux, ratified by Congress February 28, 1877 (19 Stat. L., 254), which provided for the issuance to each



Indian of a daily ration consisting "of a pound and a half of beef (or in lieu thereof one-half pound of bacon), one-half pound of flour, and one-half pound of corn; and for every one hundred rations, four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs." Rations were to be issued "until the Indians are able to support themselves." The appropriation for rations for the Sioux amounted to about one and a quarter million dollars each year during this period. Rations were also issued to other tribes, but the cost was greater for the Sioux than for any other one band of Indians. It is not possible to give separate figures for the other tribes, as the appropriations include objects other than rations, and the reports do not show any classification of expenditures.

*Progress in Education.* The period from 1870 to 1887 was marked by a great advance in the education of the Indian, at least as measured by appropriations and by enrollment; whether the results were commensurate with the money expended is another question. As early as 1819 Congress had made a permanent annual appropriation of \$10,000 for education, and during later years small sums had been voted for the pay of teachers or the education of specific tribes in accordance with treaty stipulations.

By 1870 the appropriations under treaty stipulations available for education amounted to about \$140,000, although some of this money was available for other purposes. In that year the first general appropriation for education was made, the amount being \$100,000 for the fiscal year 1871 "for the support of industrial and other schools among the Indian tribes not otherwise provided for." The earliest statement on expenditures for education, given in the report for 1881, shows a total of \$208,996.47, of which \$75,000 was from a general appropriation for education, \$35,519.91 from appropriations for fulfilling treaty obligations, \$95,769.72 from appropriations for the support and civilization of various tribes, and \$2706.84 from other miscellaneous appropriations. Between 1877 and 1881 about \$500,000 derived from the sale of Osage lands, as provided by the treaty of 1865 (14 Stat. L., 687), had also been expended from the general fund for the civilization of Indians. For the fiscal year 1887 the total sum appropriated for general educational purposes amounted to \$1,226,415.00. In addition there were

still some appropriations for fulfilling treaty stipulations and for support that were apparently available for education, but it appears likely that by far the greater part of the sum devoted to education was derived from general appropriations.

In 1881 the number of schools, exclusive of those of the Five Civilized Tribes, was 106, with a reported enrollment of 4221. By 1887 the number of schools had increased to 227, with a reported enrollment of 14,333 and an average attendance of 10,520. The total reported school population was 39,717.

One important feature of the educational work of this period was the development of the non-reservation boarding school, which received its impetus from the sending of a number of Indians to Hampton Institute, at Hampton, Virginia, in 1878. The school at Carlisle, Pennsylvania, was opened in 1879, one at Forest Grove, Oregon, later removed to Salem, in 1880, and schools at Chilocco, Indian Territory, Lawrence, Kansas, and Genoa, Nebraska, in 1884.

By 1887 Indian children were receiving instruction in 227 schools, of which 163 were operated directly by the Indian Service, while sixty-four were private institutions, generally maintained by missionary organizations, with which contracts were made. Of the government schools sixty-eight were reservation boarding-schools, ninety were day schools, and five were non-reservation training schools. Of the contract schools there were forty-one boarding schools and twenty day schools with which arrangements were made by the Office of Indian Affairs, while three were boarding schools for which specific appropriations were made by Congress. In the government schools the average attendance was 7349 and the cost was \$851,555.57; while in the non-government schools the average attendance was 3171 and the cost \$314,470.

In the early part of this period there appears to have been no attempt to give a uniform course of instruction, each teacher apparently conducting the school as he saw fit. In 1882 a superintendent of schools was provided, whose duties were mostly to inspect, but not to manage, the schools. The teachers continued to be appointed by the agents, and it is evident that political affiliations had more weight than scholastic attainments; later they were appointed by the Washington Office, but generally for political reasons. In the voluminous literature on Indian matters there is little reference to the Indian schools, but here and there one gets

glimpses of conditions in the field. General Henry Heth, who had been an inspector in the Indian Service, made the following statement in 1889 regarding the personnel of the school system:

The Indian Bureau has been made the dumping ground for the sweepings of the political party that is in power. I have found an abandoned woman in charge of an Indian school. I found a discharged lunatic in charge of another, and he was still there a year after I reported that fact. He would lock himself into a room with the children, and light his pipe. As soon as a report that is derogatory to these people goes to Washington, their friends rush to the Interior Department and say that these reports are wrong, and that another trial must be given, and they are kept on and on.<sup>11</sup> . . . If you go to an Indian school or an agency, and stay

<sup>11</sup> The policy of retaining employees against whom charges have been proved has continued until recently. In the Report of the Indian Rights Association for 1916 (page 5) there is the following statement:

"There is, however, one grave administrative defect not yet remedied, from which the Indian Service has suffered for many years, namely, the failure to clean up promptly and completely the cases of employees against whom there have been preferred and proved charges of official misconduct, or of such irregularity or immorality in their private lives as may be detrimental to the Indians; and the long-continued policy of transferring men against whom charges have been proved, instead of removing them from the service in disgrace. In many cases such transfers amount to a promotion instead of a demotion or a reprimand. . . .

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"We believe that the conduct of Indian affairs would be much more successful, and that the Bureau would encounter less actual opposition from a strong policy of removal than it must inevitably expect if incompetent and unworthy men are carried in the service by transfer. A policy of antagonism and resistance to such men and their peremptory removal would probably bring down upon a Commissioner the antagonism and animosity of the men removed and their political sponsors; but the power for evil of such men would have been most effectually checked and broken by their dismissal. They would then be discredited, while the Commissioner would inevitably occupy the position in the public eye of being girt with sword and shield and standing in full armor as the uncompromising defender of the Indian.

"This pernicious system has obtained in the Indian Service through a number of administrations. No Commissioner has apparently been able or willing to cope with it. . . ."

Again in its report for 1919 (page 8) the same organization commented on this condition as follows:

"On our file is a record of some fourscore cases which have been brought to the attention of the present administration (and how many others there may be, unknown to us, that the Indian Office data would show, we cannot say) where proved misconduct, dishonesty, incompetency, immorality,

only a day or two, everything will seem to run smoothly. But if you stay there a month, and get behind the scenes, into the arcanum, you will find two or three who are physically, mentally, or morally incapacitated. You find good, earnest people among them, but they are the exception. You find people who are there only to draw their pay. You will find cliques, wrangles, quarrels going on that are a disgrace to any institution.<sup>22</sup>

More to the point are the following comments of Professor C. C. Painter on the schools in Indian Territory, which he visited in 1887:

Excepting the dining room, everything about the school premises [at Pawnee] was in a fearful condition. The privies scented the whole place; the stores and school goods were in bad order, and much of them spoiling, this, largely because there was no suitable room in which to store them. . . .

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I visited also the Arapahoe school, under the care of the third superintendent appointed to it during the year, . . . and, judging from appearances, it would be charitable to suppose each succeeding appointment had been worse than the preceding, for it would be difficult to believe there could have been a worse than the last. There has been four different industrial teachers during the year, four matrons, four assistant matrons, four seamstresses. Miss L—, the only teacher in the school who knew how to teach, had been twice teacher and once matron during the year. The larger children in the principal room were under the charge of Miss L—; the room was clean, the children prompt and in good shape, the work done above the average of school work in Indian Reservation schools. The next room, under the care of Miss P—, was nasty—the children slovenly in manner. She is what would be called in the West a “regular bull whacker,” with no idea of teaching. She had a long strip of board or lath in her hand, with

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intemperance, unfitness, and brutality (such as stripping three girls to the waist and cruelly flogging them), to say nothing of insolent and discourteous treatment of Indians, have been treated in a manner that is hardly in the best interests of a Service that should be conducted on an elevated and humane plane. Instead of purging the ranks of such men and making examples of them by summary dismissal, they were allowed to resign or were transferred, and in some cases actually promoted, so far as an increase in compensation is concerned. In several instances men allowed to resign during the progress of an investigation have been reinstated.”

<sup>22</sup> Board of Indian Commissioners, Annual Report, 1889, p. 139.

which she whacked the desk, making her visitors jump when she struck it; the children were evidently used to it.

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I was first introduced into the main room of the [Kiowa] school, where an Hon. Judge from Texas, who had deserted bench and bar in behalf of these people, teaches the young Indian ideas how to shoot. The Judge, I was informed, was the most distinguished lawyer in the county from which he hails. It is well that he has attained distinction in some field of labor; he certainly would not achieve it in the field of pedagogy. He is a little mite of a man—sallow, spiritless. He had two boys and a girl droning away at reading. . . . He never rose to his feet without feeling for his knee pans by way of his breeches pockets, using the stove for a spittoon. He looked as if he had gotten out of his grave to find a "chaw of terbacker," and had lost his way and could not find his resting place. I have never seen such a perfect picture of the old field schoolmaster, and I have seen a number.

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That these schools cost so much more [in 1887 than in 1884] is a matter of surprise; that they are doing less is not, to one who has visited a large number of them, and need not be to one who, though he has no chance to see the quality of the average teacher employed, learns that twenty-five of the seventy reservation boarding schools had two or more, seven of them three, and the seventy had in all 102 superintendents during the past year. In these seventy schools there are, in all, 560 positions to be filled, and they had appointed to them, in all 1182 incumbents. One school in the Indian Territory was blessed with 50 appointees to the 14 positions to be filled, and several of these posts were vacant when the year closed.<sup>18</sup>

The official reports themselves generally point with pride to the accomplishments and progress of the schools, but occasionally a new incumbent will take occasion to point out the shortcomings of his predecessor. Thus, we find the following report for 1885 from the teacher in charge of the boarding school at Fort Stevenson, Dakota Territory:

. . . The repairs of last December have caused great improvement in facilities and accommodations, and both school and pupils have a much more prosperous appearance. . . . The matron is a thorough housekeeper, and has systematized the work so that under

<sup>18</sup> Painter, The condition of affairs in Indian Territory and California, pp. 11, 18, 39, and 48.

her control both girls and employees are doing well, with less apparent effort and more order and cleanliness.

The breadmaking is done entirely by the girls, but the boys attend to the baking. . . .

At the beginning of the year no room had been set apart for sewing, and no regular hours employed, and the sewing and mending were much in arrears. After a sewing room had been organized and regular hours appointed, the work went on more smoothly, and now a fair amount is accomplished. . . . All the clothing worn by girls, with shirts and occasional suits for the boys, are made at the school.

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In the class rooms the children are making very fair progress, and in order and discipline will compare favorably with the generality of children in public schools. They are very much interested in their studies, and when the disadvantages under which they labor (language and home influence) are taken into consideration, the progress which they make is often wonderful.<sup>34</sup>

The next year a new superintendent commented on conditions as follows:

In justice to myself, I review the "rose colored reports" of this school. . . . The last fiscal report was calculated to work injustice to Indian civilization. The facts as they presented themselves to me upon assuming charge of this school are contrary to those set forth in the report.

The "irregularity of the domestic concerns of the school" and "excellent management," "the breadmaking" and the "close superintendence" of the laundress, the "shirts" and "occasional suits" which were never made in the sewing room but shipped by the Indian Office, were "among the things that were not." The everlasting quarreling, degrading and nauseating twaddle between employees and pupils, the inherent laziness of the former, the abominably filthy condition of the quarters, the accumulated rubbish around the buildings, the half-cooked food, the advantages of training pupils unused, the dilapidated condition of the buildings, following an expenditure of \$3000, and a glossy report thereon, all has had an injurious effect on the school. Instead of being in a healthy growing condition, it was the reverse.<sup>35</sup>

<sup>34</sup> Commissioner of Indian Affairs, Annual Report, 1885, p. 32.

<sup>35</sup> *Ibid.*, 1886, p. 1.

A contemporary opinion of the Indian education system is given by J. B. Harrison, after a tour of observation on the reservations:

There is, as yet, no coherent or comprehensive system or plan for the education of the Indians under Government supervision. It does not appear, indeed, that any body has thought of the necessity of such a system. The existing arrangements, machinery and methods are highly inorganic, incoherent and inefficient.

. . . A few good teachers have been sent out, but they are always hampered by association with incompetents in the same school.<sup>28</sup>

For four years, from 1885 to 1888, the Indian Office was also charged with the education of the natives of Alaska, but this work was abandoned as the Bureau of Education had already undertaken the education of both white and native races under authority conferred on the Secretary of the Interior by the act of May 17, 1884 (23 Stat. L., 27).<sup>29</sup>

*Changes in the Status of the Indian.* Before 1875 practically all general legislation had regarded the tribes as the unit in Indian life, and there was no attempt to interfere between members of the tribe or to make any general legal provisions for Indians who might separate from the tribe. There had been some acts applying to particular tribes, generally small ones, that provided for the allotment of land in severalty and the admission of the Indian to citizenship, but in general the Indians were regarded as a portion of the population set apart, to which the government owed certain obligations. In 1875, however, an act was passed (18 Stat. L., 420) allowing an Indian who had abandoned his tribal relations to obtain land under the homestead law in the same manner as white persons, except that the land could not be alienated or encumbered for a period of five years from the date of the patent.<sup>30</sup>

In April, 1883, the Secretary of the Interior approved the establishment of Courts of Indian Offenses, composed of members of the tribes and designed to try Indians for infraction of the rules

<sup>28</sup> Latest studies on Indian reservations, pp. 139-40.

<sup>29</sup> For history and work of the Bureau of Education in Alaska see Smith, *The Bureau of Education*, p. 5, Institute for Government Research, Service Monograph No. 14.

<sup>30</sup> Restricted period extended to twenty-five years by act of July 4, 1884 (23 Stat. L., 96).

promulgated by the Office of Indian Affairs, particularly as regards certain dances, polygamy, theft, and minor offenses. There was no special law recognizing these courts, the authority for their creation being regarded as implied in the duty of supervising the affairs of Indians. Prior to that time the agents had prescribed punishment for minor offenses, either by imprisonment in the guard house or by withholding rations. Where the courts were organized the penalty was set by the judges, but it was subject to approval by the agent. These courts have continued to the present time without any specific authority of law ; they have not been established on all reservations, but only at places where the Service deemed it advisable to have them.

The Courts of Indian Offenses dealt mainly with infractions of regulations and had no authority over major offenses, as Section 2146 of the Revised Statutes, as amended, provided especially that the provision for the punishment of crimes in the Indian country should not be "construed to extend to crimes committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively."

By Section 9 of the Indian appropriation act for the fiscal year 1886, approved March 3, 1885 (23 Stat. L., 385), Indians living on reservations were made answerable in the United States courts for the crimes of murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny. This act imposed no new duties on the Indian Service, but it was another step in advance in making the Indian subject to the general laws and thereby weakening the tribal influence."

*Administrative Changes.* Between 1871 and 1887 there were several departures from the earlier plan of administration. The practice of having agents nominated by the missionary societies

<sup>19</sup> In so far as regards Indians who are on reservations the act is in force at the present time, being Section 328 of the Criminal Code of 1909 (35 Stat. L., 1151). The offenses enumerated in it are the only ones for which such Indians on reservations are answerable in the courts if the offense is against another Indian.



was gradually abandoned, and by the early eighties these positions had again become political appointments. The general superintendencies having supervision over a number of agencies were gradually abolished, and the several agents reported directly to the Washington Office. In 1873 provision was first made for not exceeding five inspectors (17 Stat. L., 463), to be appointed by the President, by and with the advice and consent of the Senate. Indian police for the maintenance of order on reservations and the control of liquor traffic were first authorized by the act of May 27, 1878 (20 Stat. L., 86).

*Allotment Act of 1887.* The first step marking a definitive change in the relation of the Indian to the government had been the act of 1871 providing that no more treaties should be made. This change, however, was a formal and legal one and did not affect the individual Indian. The next decided advance was the passage of the act of February 8, 1887 (24 Stat. L., 388), providing for the allotment of land to individual Indians and conferring citizenship on all Indians to whom land should be allotted. This act effected a marked change in the status of the individual Indian to whom its provisions were applied, and much of the present activity of the Office of Indian Affairs results from the application of this law and various statutes amendatory or supplemental to it.

Up to this time, except where special provision has been made by law, Indian lands had been held in common, as the principle of individual ownership of land was unknown to the Indians. This condition was a natural outgrowth of the economic condition of Indian society. In the early days the Indians lived by the chase, and the game was sought over wide stretches of territory recognized as the hunting grounds of particular tribes or bands.<sup>20</sup> As the settlement of the country progressed and the Indians ceded their right of occupancy, not only was the hunting area diminished, but the amount of game was also materially reduced. There thus developed the reservations, where perhaps a few squaws engaged in desultory agriculture, but where most of the population lived in idleness and were subsisted by rations provided by the government. For a hundred years the government had proclaimed a policy of

<sup>20</sup> In this respect the Indians did not differ from the fur traders, who sought their game on the public lands, or from the early stock raisers, who also used the public lands for their ranges.

civilizing the Indians, but during all that time it had pushed the Indian back from the developed portion of the country and neglected to provide the foundation on which modern civilization is based—the right to private property.

The idea of allotment in severalty was not a new one, as it had been advocated many years before, and provision had been made for its application to several tribes, either by treaty or by special act of Congress, although in many cases allotments had not been made even when authorized.<sup>21</sup>

Up to September 1, 1885, there had been issued over 11,000 patents, of which over half were to Indians of four tribes.

For several years prior to 1887 public officers and students of the Indian problem had recommended the passage of a general allotment act. President Hayes had recommended it as early as 1879. Bills had passed the Senate during several Congresses, but had always failed in the House. The law generally known as the Dawes Act, introduced by Senator Dawes of Massachusetts, finally became law on February 8, 1887 (24 Stat. L., 338).<sup>22</sup>

This act did not require allotments to be made within any fixed period, but authorized the President to take such action whenever in his opinion any reservation should be suitable for agricultural or grazing purposes, in the following quantities: To heads of families, 160 acres, to single persons over 18 and orphan children under 18, eighty acres, and to other single persons under 18, forty acres, with double allotment when the land was valuable only for grazing purposes.<sup>23</sup>

<sup>21</sup> For list of tribes for which allotments had been authorized, references to law or treaty, and number of patents issued up to September 1, 1885, see Commissioner of Indian Affairs, *Annual Report*, 1885, p. 320. A later list, giving references to the treaties and laws passed up to March 2, 1895, but not showing the number of allotments, is given in Royce, *Indian land cessions*, Bureau of American Ethnology, *Eighteenth Annual Report*, 1897, pt. 2, pp. 645-47.

<sup>22</sup> Senator Dawes stated that the passage of the bill through the House was obtained by Miss Randall, daughter of the Democratic leader in the House, who persuaded her father that the measure was one which should be passed. Lake Mohonk Conference, *Proceedings*, Vol. 8, p. 84.

<sup>23</sup> This was amended by the act of February 28, 1891 (26 Stat. L., 794), to provide for an allotment of eighty acres of agricultural land and 160 acres of grazing land to each individual regardless of age or marital status. By the act of June 25, 1910 (36 Stat. L., 859), the President was given authority to determine the size of the allotment with a maximum limit of

The tract to be allotted was to be selected by the Indian, but if he failed to make a selection within four years after the time set for the allotment, the Secretary of the Interior was given authority to order the selection to be made by an officer of the government.

In order to prevent the Indian from disposing of his allotment, provision was made for holding the title in trust by the United States for twenty-five years, or longer if the President deemed a longer period advisable.<sup>34</sup> During this trust period the land could not be encumbered or sold without the consent of the government, and while the law is silent regarding taxation, the Supreme Court had held that taxes cannot be levied by any state, territory, or local subdivision.<sup>35</sup>

Complete citizenship was conferred upon all Indians to whom allotments were made and they were made subject to state and territorial laws. Citizenship was also conferred on any Indian born within the territorial limits of the United States "who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life."<sup>36</sup>

If any surplus land remained after the allotments had been made the Secretary of the Interior was authorized to negotiate with the tribe for the purchase of such land by the United States, and the purchase price was to be paid into the Treasury and held in trust for the sole use of the tribe concerned, but it was made subject to appropriation by Congress for the education and civilization of such tribe or its members. This did not revive the old treaty system, as the act specifically provided that no purchase should be complete until ratified by Congress.

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eighty acres of agricultural land and 160 acres of grazing land. This act also provided that in case any of the lands "have been or may be brought within any irrigation project," the area of the allotment should not exceed forty acres.

<sup>34</sup> The act of May 8, 1906 (34 Stat. L., 182), provided that the Secretary of the Interior might terminate the trust period and issue a patent in fee whenever he should be satisfied that any Indian allottee is competent to manage his or her affairs.

<sup>35</sup> *United States v. Rickert*, 188 U. S. 432 (1903).

<sup>36</sup> The Supreme Court in the case last cited held that citizenship and restriction on alienation were not incompatible. Later, by the act of May 8, 1906 (34 Stat. L., 182), it was provided that citizenship should not be obtained and the Indians made subject to state and territorial laws until the expiration of the trust period and the issuance of the patent in fee.

The provisions of this act did not apply to the Five Civilized Tribes; the Osage, Miami, Peorias, and the Sac and Foxes in Indian Territory, the Indians on reservations in New York, or on the strip in Nebraska adjoining the Sioux Nation.<sup>27</sup>

**Allotment and Citizenship Period:** Since 1887. The predominant feature of the administration of Indian Affairs since 1887 has been the great amount of work in connection with the affairs of the individual Indian. While the issuance of fee patents to allottees has decreased the number of Indians under the supervision of the Office of Indian Affairs, the control over the property and fiscal affairs of individuals has resulted in an increase in the actual volume of work. This period also has witnessed the extension of the educational system, the development of Indian irrigation projects, the conservation and better utilization of Indian forests, and the application of civil service rules and regulations to the entire Service.

As most of the activities of the Indian Service as they exist to-day were developed during this period, particularly during the latter half of it, these steps will be sketched in outline only, the details being given in the portions of Chapter II relating to specific activities.

During this period, especially in the last quarter-century, there has been continued improvement in the character and methods of administration. Partisan politics have been largely eliminated in the appointment of subordinate officers, although too often political pressure has been brought to bear in connection with promotions and assignments.<sup>28</sup> The Commissioner has continued to be displaced with a change of the party in power, but recently the Assistant Commissioner has continued after a change in administration. Probably the worst phase of political interference has been in connection with the local policies affecting particular areas, this influence being manifested both in legislation and in administrative action. The exploitation of the Indian has continued and his land and property have continued to be the prey of the unscrupulous white. But the method of exploitation has changed. The strong

<sup>27</sup> Later provision was made for allotment to members of all these tribes, except those on reservations in New York.

<sup>28</sup> See page 296 for former Commissioner Leupp's comments.

arm method of early years, characterized by Governor Ramsay in 1851 as being "contemptuous of the authority of law," has given place to a more refined and subtle way, which is outwardly in conformity with law, but which through fraud and misrepresentation is equally efficacious in accomplishing its end.<sup>29</sup> There had also developed during this period a widespread public interest, not only in the East, but also in the West, demanding that justice be done. While much of the criticism has been doctrinaire or founded on false premises or incorrect information, a part has been to the point, and has served to impress on both the executive and legislative branches of the government the need for proper action.

*Developments from 1887 to 1902.* By the time the allotment act was passed in 1887, most of the Indians had come to the conclusion that it was hopeless to attempt to oppose the military forces of the government and had settled down on the reservations and were taking the rations doled out to them. There were a few wars, but many rumors of wars, bringing to mind a statement made by Bishop Hare, missionary bishop of Niobrara, in 1878:

. . . Half the difficulty of the Indian question lies in the fact that everything about it wears the aspect of the extraordinary and grandiloquent. One familiar with the real state of affairs wearies for the time when a squabble over a horse race shall cease to be chronicled as "an insurrection," preparations for a feast heralded as the "eve of an Indian outbreak," and a set of horse thieves termed "a war party." There is a deal of truth in the remark attributed to a Piute Indian: "When three or four bad white men stop and rob one stage, maybe kill somebody, you send one sheriff to catch three, four bad men, same way when some bad white men steal some cattle, or some horses, you send one sheriff; but when three, four bad Injun stop one stage, kill somebody, steal some horse or cow, you try catch three, four bad Injun? No: all white men say, "Injun broke out, Injun on warpath," and then come soldier for to kill everybody."<sup>30</sup>

The most serious disturbance was the Sioux outbreak in 1890 and 1891, culminating in the encounter at Wounded Knee, in which a number of Indian women were killed. The public indignation

<sup>29</sup> See 62 Cong., H. rep. 1336, on the White Earth frauds in 1912, and Oklahoma's poor rich Indians (Indian Rights Association Publication No. 127, second series) for probate frauds in Oklahoma in 1924.

<sup>30</sup> Howe, Life and labors of Bishop Hare, p. 181.

over this resulted in the following pertinent comment by Bishop Hare, who, like Bishop Whipple, had long labored in the interest of the Indian:

But I do not think the reasonable conclusion is that some one person, or set of persons, should be made a scape-goat or become the victims of an incensed people's wrath.

Some say, the Commissioner of Indian Affairs gives too much attention to schools and should devote more to empty stomachs. Well, awhile ago the complaint was that the Indian Department seemed to think that all the Indians needed was beef and flour, sugar and coffee.

Some say, the missionaries should preach less and teach housewifery and the acts of healthy living more. So be it, and let funds be supplied.

Some say, the military are peremptory and severe. Perhaps they are (in a fight, but not otherwise); but to be a fair judge one should first take a taste of campaigning in the Indian country.

Some say, the Indians are mad men and savages. Let those who say so remember how they themselves feel when, from continued slights, or affronts, or disappointments, they are sore all over.

No. We need no victim. We need no scape-goat.

But these things we do want. A profound conviction in the mind not only of a few, but of the people, that the Indian problem is worth attending to. Next, that officials placed in charge of the difficult Indian problems should be protected from the importunity of hungry politicians, and that the employees in the Indian country, agents, teachers, farmers, carpenters should not be changed with every shuffling of the political cards. The abuse here has been shameful. Next, that Congress, especially the House of Representatives, shall consider itself bound in honor to make provision for the fulfillment of promises made to the Indians by commissioners duly appointed and sent to the Indians by another branch of the Government. The evils which have arisen from a violation of this comity have been most serious. Next, that testimony regarding Indian affairs should not be swallowed until careful inquiry has been made as to the disinterestedness of the witness.<sup>a</sup>

In 1890 the public schools were first used for the education of Indians, although for some years the number of children assigned to them was negligible. A year later, in 1891, the school system was strengthened by placing superintendents, physicians, matrons, and

<sup>a</sup> Hare, W. H., Who shall be the victim? Indian Rights Association, 1891, p. 6.

teachers under the classified civil service, which in 1896 was extended to minor employees. In 1892 a beginning was made toward freeing the Service from political control, as the act of July 13, 1892 (27 Stat. L., 120), provided that army officers might be assigned to agencies when there were vacancies. By the act of March 3, 1893 (27 Stat. L., 614), the Commissioner, subject to the approval of the Secretary of the Interior, was authorized to place school superintendents in charge of agencies. This marked the beginning of the elimination of politics, although it took about fifteen years before the change was effective throughout the Service;<sup>22</sup> practically all of the changes being made by Commissioners Jones and Leupp.

When the allotment act of 1887 was passed it was supposed that the assignment of specific tracts of land would immediately make the Indian self-supporting. The fact was evidently overlooked that many Indians were physically incapable of cultivating their allotments, so by the act of February 28, 1891 (26 Stat. L., 794), provision was made for leasing. Various later acts made changes in the period for which the land could be leased.<sup>23</sup>

During the early years of effort for the education of the Indian most of the work had been done by the missionary societies. Later the government established its own schools, but made specific contracts with many mission schools, until, in the fiscal year 1892,

<sup>22</sup> Up to 1901 the agents were still largely political appointees, as is shown by the following extract from a report of the National Civil Service Reform League made in that year.

"Among the political appointments which remain untouched by the Civil Service law, none have given rise to greater scandals than those of Indian agents, who are chosen by means of nominations made by the President and confirmed by the Senate. . . . During President Cleveland's first administration, in sixty agencies, all the agents were changed but two; during President Harrison's administration, while the number of agencies remained unchanged, there were seventy-six appointments, and only eight agents were allowed to serve out their four years terms; during President Cleveland's second administration, in the same number of agencies, there were eighty-one changes and only four agents were allowed to serve out their terms; and during the first term of President McKinley, in fifty-eight agencies, there were seventy-nine changes, only nine agents were allowed to serve out their terms and only one was reappointed at the expiration thereof." Abuses in the appointment of agents in the Indian Service—A Report prepared by the investigation committee of the National Civil Service Reform League, 1901, p. 1.

<sup>23</sup> See page 178.

more than a quarter of the money available for education was expended through these institutions. When General Morgan became Commissioner in 1889 he declared that he intended to discontinue all contracts with sectarian schools. This immediately precipitated a controversy, which was renewed when the annual appropriation bill came before the Senate. The administration then determined to maintain the *status quo*, but not to increase the amount for denominational schools.<sup>24</sup> In 1893 and two following years the Indian Office reduced the amount available for sectarian schools, and in the appropriation act for the fiscal year 1897 Congress declared that it was "to be the settled policy of the government to hereafter make no appropriation whatever for education in any sectarian school" (29 Stat. L., 345). The amount available for this purpose was successively reduced, and was discontinued after 1900.<sup>25</sup>

Further provision was made for the disposition of Indian property in section 7 of the Indian appropriation act of May 27, 1902 (32 Stat. L., 275), which allowed sale of inherited lands.

At the October term, 1902, the Supreme Court rendered a decision under which the method of dealing with the Indians has been entirely changed. Prior to 1870 the relations of the government with Indian tribes had been fixed by formal treaties; after Congress had enacted the law forbidding additional treaties, the relations had been expressed in formal agreements which were embodied in the appropriation acts or other laws.

In the case at bar it was argued on behalf of the Indians that an act of June 6, 1900 (31 Stat. L., 676), an amendatory act of January 4, 1901 (31 Stat. L., 727), and two amendatory acts of March 3, 1901 (31 Stat. L., 1078 and 1093), were void by reason of the fact that the provisions of these acts were opposed to an earlier treaty, that the agreement embodied in the act of June 6, 1900, was obtained by fraud, and that the acts in question contained provisions which did not appear in the original agreement with the tribe. The court did not find it necessary to pass on the question of fraud, as it held that Congress had plenary power over tribal relations, and that it might pass laws to abrogate the

<sup>24</sup> H. L. Dawes, Lake Mohonk Conference, Proceedings, 1890, p. 80.

<sup>25</sup> In 1905 and thereafter tribal funds were used for this purpose. See page 213.



provisions of a treaty; the opinion, by Mr. Justice White, was in part as follows:

The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the *power* to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of governmental policy, particularly if consistent with perfect good faith towards the Indians. . . .

\* \* \* \*

. . . We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary cannot question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be understood as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to courts.\*

A few formal agreements were made in later years, but as a rule all provisions relating to the disposition of Indian lands and

\* Lone Wolf v. Hitchcock, 187 U. S. 566, 568. This decision was regarded by many friends of the Indian as revolutionary, but it was in line with earlier decisions and clearly foreshadowed by them. In 1870 in the case of the Cherokee Tobacco (11 Wallace 621), the court laid down the following rule:

" . . . A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. In the cases referred to [2 Peters 314; 1 Walworth 155] these principles were applied to treaties with foreign nations. Treaties with Indian nations within the jurisdiction of the United States, whatever considerations of humanity and good faith may be involved and require their faithful observance, cannot be more obligatory. They have no higher sanctity; and no greater inviolability or immunity from legislative invasion can be claimed for them. The consequences in all such cases give rise to questions which must be met by the political department of the government. They are beyond the sphere of judicial cognizance. In the case under consideration the act of Congress must prevail as if the treaty were not an element to be considered. If a wrong has been done the power of redress is with Congress, not with the judiciary, and that body, upon being applied to, it is to be presumed, will promptly give the proper relief."

property have been contained in acts of Congress. While formal agreements have not been made, the Indians have had an opportunity to lay their claims before the committees of both houses, either through delegations or attorneys.

*Expansion and Legislation, 1905 to 1910.* In the period from 1905 to 1910 more general legislation was enacted than in any earlier period of the same length, and many of the activities were developed to approximately their present stage. In 1905 the Indian Service first made provision for a regular supervisor to direct efforts to obtain employment for Indian labor, which work has been continued to the present. On May 8, 1906, there was approved the Burke Act, which materially changed the status of Indians receiving allotments in severalty (34 Stat. L., 182). Under the allotment act of 1887 the allottee became a citizen when the allotment was made, and all lands were held in trust for a period of twenty-five years, or longer if deemed necessary by the President. Under the Burke Act citizenship was not acquired until the fee patent was issued; the period of the trust patent was not changed, but the Secretary of the Interior was authorized to issue a fee patent sooner if he should be satisfied that the Indian is competent to manage his own affairs. The second paragraph of this act gave the Secretary of the Interior power to determine the heirs of Indians dying while the patent is held in trust by the United States.

In 1907 and 1908 provision was made for the sale of lands of noncompetents (34 Stat. L., 1018; 35 Stat. L., 444), and in 1907, also, authority was granted to distribute the share of the tribal funds to competent or infirm Indians (34 Stat. L., 1221) and the first special appropriation was made for the suppression of the liquor traffic. In 1908 the commutation of annuities was authorized (35 Stat. L., 73), and the first appropriation was made for the loan of money to individual Indians in order to advance their economic condition. In 1909 a medical supervisor was appointed and expert supervision of the forests was provided, the foundation being laid for these activities as they are carried on at present. The Omnibus Indian Act of June 25, 1910 (36 Stat. L., 855), modified the provisions of earlier acts or enacted new legislation regarding the determination of the heirs of allottees holding trust patents, the partition of estates, the issuance of certificates of competency, the

depositing of individual Indian money, the making of wills, the distribution of property inter vivos, the leasing of trust allotments, the punishment of persons who procure conveyances of trust lands, the prevention of depredations on Indian timber, the sale of timber on unallotted and trust lands, the allotment by superintendents, the reservation of power sites, the size of allotments, the allotment of land on the public domain, the transfer of property from one reservation to another, and allotments in national forests. In addition the act contains a number of provisions applying to particular tribes or areas.

*Policies in 1914 and Thereafter.* In 1914 the Indian appropriation act required repayment to the United States of all gratuity appropriations previously or thereafter made for the construction of irrigation projects, and made provision for charging the cost of irrigation work to the lands benefited instead of to the tribe (38 Stat. L., 583). In 1914 also the Service began to pay special attention to the quality of livestock owned by Indians, and adopted the policy of buying large tribal herds for some of the reservations in the grazing country. Between 1914 and 1918 a million and a half dollars were expended from tribal funds and seven hundred thousand dollars from gratuity appropriations for this purpose, the largest amount spent on any one reservation being seven hundred thousand dollars from tribal funds for 18,000 cattle for the Crow Reservation.<sup>87</sup> The appropriation acts for the fiscal year 1921 and subsequent years have prohibited the use of gratuity appropriations for this purpose.

In 1917 the Commissioner adopted the policy of issuing patents in fee to all Indians of less than half blood and of being more liberal in the issuance of patents to those having a larger percentage of Indian blood. Competency commissions were sent to the several reservations, and between 1917 and 1920 there were issued 10,956 fee simple patents, compared with 9,894 in the ten years from 1906 to 1916.<sup>88</sup> With the change of administration in 1921, the so-called liberal policy was abandoned.

The distribution of tribal funds was provided for by the acts of May 25, 1918 (40 Stat. L., 591), and June 30, 1919 (41 Stat. L.,

<sup>87</sup> Expenditures by reservations are given on page 247.

<sup>88</sup> This is discussed in more detail on pages 152 to 154.

9), the act of 1919 giving the Secretary of the Interior authority to prepare final tribal rolls.

On November 2, 1921, there was approved an act (42 Stat. L., 208) authorizing appropriations and expenditures, which reads as follows:

That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs.

This act did not add to or change the duties and activities of the Indian Service, its sole effect being to prevent appropriation items from being subject to a point of order in the House of Representatives because they are not authorized by existing law. Much of the work of the Service had been built up solely as the result of the appropriation of funds, and it was possible for many items to be thrown out of a bill on a point of order, which might be made by any member.

*Legislation Allowing Suits in Court of Claims, 1924.* One of the disturbing features of Indian administration has been the belief of many Indians that their particular tribes have claims against the United States for large sums. This belief has often been fostered by attorneys, who have collected money from the Indians under the representation that money could be secured. Congress has

never passed a general act authorizing the determination of these claims, although the passage of such legislation has been advocated in the belief that it would be best for the government and the Indians to have the matter finally settled. Special acts relating to particular tribes have been enacted from time to time, but from 1924 to 1927 probably more laws of this character were passed than in the entire history of the Indian Service. The acts allowing suits passed from March 13, 1924, to March 4, 1927, are as follows:

Blackfeet, Blood, Piegan, Gros Ventre, Flathead, Kootenais, Upper Pend d'Oriettes, Nez Perce: act of March 13, 1924 (43 Stat. L., 21)  
 Cherokee: act of March 19, 1924 (43 Stat. L., 27)  
 Seminole: act of May 20, 1924 (43 Stat. L., 133)  
 Creek: act of May 24, 1924 (43 Stat. L., 139)  
 Wichita and affiliated bands: act of June 4, 1924 (43 Stat. L., 366)  
 Choctaw and Chickasaw: act of June 7, 1924 (43 Stat. L., 537)  
 Stockbridge: act of June 7, 1924 (43 Stat. L., 644)  
 Ponca: act of January 9, 1925 (43 Stat. L., 729)  
 Yankton Band of Santee Sioux: act of January 9, 1925 (43 Stat. L., 730)  
 Delaware: act of February 7, 1925 (43 Stat. L., 812)  
 Tribes, except Clallam, parties to the treaties of Medicine Creek (December 26, 1854), Point Elliott (January 22, 1855), and Point-no-Point (January 26, 1855), Quinaliets, Muckleshoot, San Juan Islands, Nook-Sack, Suattle, Chinook, Upper Chehalis, Lower Chehalis, and Humptulip: act of February 12, 1925 (43 Stat. L., 886)  
 Kansas: act of March 3, 1925 (43 Stat. L., 1133)  
 Chippewa: act of May 14, 1926 (44 Stat. L., 555)  
 Citizen Band of Pottawatomie: act of July 2, 1926 (44 Stat. L., 801)  
 Crow: act of July 3, 1926 (44 Stat. L., 807)  
 Assiniboine: act of March 2, 1927 (44 Stat. L., 1263)  
 Shoshone: act of March 3, 1927 (44 Stat. L., 1349)

*Granting of Citizenship, 1924.* The act of June 2, 1924 (43 Stat. L., 253), conferred citizenship on all Indians born within the territorial limits of the United States, but did not in any way alter the control of the Office of Indian Affairs over the tribal or individual property of the Indians. Nor did it change the laws that apply to the person of the Indian. The unallotted Indian living on a reservation is still not subject to state laws, and he is subject to United States law for only certain specified offenses.<sup>80</sup>

**The Five Civilized Tribes, Indian Territory and Oklahoma.** The removal of the Five Civilized Tribes to the region later known as the Indian Territory has already been discussed. The develop-

<sup>80</sup> See page 256.

ments in this area differed so materially from those in other parts of the country that the discussion has been deferred to this point in order to treat the subject as a unit.

Indian Territory was never an organized territory of the United States, as such territories have always had a governor and other executive officers, a judicial system, a legislature, and a delegate in Congress. Indian Territory had none of these, although from 1834 to 1889 the area which prior to 1890 was included in what was generally known as Indian Territory was attached for judicial purposes at first to the district of Arkansas and later to the western district of Arkansas, but by reason of the treaty rights of the Indians and the lack of legislation the jurisdiction of the court was limited. Not until the passage of the act of March 1, 1889 (25 Stat. L., 783), establishing a court in the Indian Territory, were the limits of the territory specifically defined; the area of the Territory before that date being the area north and east of Texas left over when the boundaries of Missouri, Arkansas, and Kansas adjacent to the Indian Territory were established in 1820, 1828, and 1854. In 1890 the western part of the old Indian Territory became the organized Territory of Oklahoma, the eastern part or the country of the Five Civilized Tribes and the Quapaw Agency remaining an unorganized area, although still retaining the name Indian Territory. In 1907 Indian Territory and the Territory of Oklahoma were combined to form the State of Oklahoma. In the area outside that occupied by the Five Civilized Tribes the work of the Indian Service was the same as in other parts of the country, and no specific reference will be made to it except to indicate when the Indians were removed to this region. The Five Civilized Tribes had their own governments up to the end of the century, and some space will be devoted to the development of conditions which are peculiar to that region.

*Cessions to the United States, 1818 to 1825.* The right of occupancy to the land in Oklahoma,<sup>40</sup> as well as to lands in Arkansas, originally belonged to the Quapaw and Osage Indians, the Quapaws claiming the lands south of the Canadian River and the Osages asserting possession of land both north and south of that

<sup>40</sup> The references to the several states are to the area and boundaries as they exist at present unless otherwise specified, and the references to the rivers are to the modern names, as given on the map facing page 130.

stream. The Quapaws, by the treaty of August 24, 1818 (7 Stat. L., 176), ceded their lands to the United States with the exception of a tract in Arkansas, south and east of Little Rock; "the Osages by the treaties of September 25, 1818 (7 Stat. L., 183), and June 2, 1825 (7 Stat. L., 240), ceded the area claimed by them with the exception of a tract along the southern border of Kansas."

*Cherokees, Choctaws, and Creeks, 1817 to 1828.* The first western land assigned to any of the Five Civilized Tribes "was a tract in Arkansas assigned to the Cherokees by the treaty of July 8, 1817 (7 Stat. L., 156), the Indians to receive acre for acre for lands in the East ceded to the United States. The first assignment of land in Oklahoma was made by the treaty of October 18, 1820 (7 Stat. L., 210), with the Choctaws, by which that tribe was given the lands ceded two years earlier by the Quapaws, or the area between the Red and Canadian Rivers."

By the treaty of May 6, 1828 (7 Stat. L., 311), the Western Cherokees gave up their lands in Arkansas and were assigned seven million acres in northeastern Oklahoma," the United States agreeing

"This tract was ceded to the United States by the treaty of November 15, 1824 (7 Stat. L., 232), and the Quapaws moved to the district south of the Red River inhabited by the Caddos. In 1833 (7 Stat. L., 424) they were given lands in the northeast corner of Oklahoma (Area 1 on map).

"Portions of this tract were ceded at different times and about 1870 the Osages were removed to their present location in Oklahoma, on lands purchased from the Cherokees. See page 111.

"The Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles were not known as the Five Civilized Tribes until many years later, but this term is here used for these tribes whenever it is necessary to make reference to all of them.

"Areas 4, 5, 19, 20, 21 south of the Canadian, and 22 on map. This cession extended into Arkansas, the portion in that state being surrendered by the treaty of January 20, 1825 (7 Stat. L., 234). The modified boundaries were reaffirmed in the treaty of September 27, 1830 (7 Stat. L., 333), which stated that the boundaries were to be "agreeable to the treaty made and concluded at Washington City in the year 1825," but the treaty of 1825 contained merely the assignment of the Arkansas lands and did not include a description of the Choctaw country. This cession originally ran to the headwaters of the Canadian, which were beyond the limits of the United States. The treaty of 1830 provided that the area should run to "the source of the Canadian Fork; if in the limits of the United States, or to those limits." In 1855 (11 Stat. L., 611) the Choctaws formally relinquished all claim to land beyond the one hundredth meridian, which was the boundary of the United States up to 1845, but they again brought the matter up in 1895. See page 99.

"Area 1, and portion of 2 east of line of Arkansas boundary of 1824.

"to guarantee it to them forever, and that guarantee is hereby solemnly pledged." In addition the United States guaranteed "a perpetual outlet, West, and a free and unmolested use of all the country lying west of the western boundary of the above described limits, and as far west as the sovereignty of the United States, and their right of soil extend." The northern boundary cannot be defined, as it was to run west from the point where the western boundary of Missouri crossed the Neosho River, and this stream did not intersect the Missouri boundary. The tract was bounded on the east by Arkansas and on the south by the Arkansas River. Approximately the northern half of the western boundary was the old Arkansas line or its extension, while the southern half was a line drawn between the Arkansas and Canadian Rivers sufficient to make seven million acres. There is here the first division of the Cherokee lands, the seven million acres comprising the Cherokee lands proper and the "Outlet west" being the Cherokee Outlet. These boundaries were materially changed in 1833.

When the treaty was ratified by the Senate a proviso was inserted stipulating that the northern boundary of the "perpetual outlet west" should not be north of the thirty-sixth parallel, and that the cession should not include any land assigned to the Creek Indians. The preamble of the treaty showed the lack of vision regarding the development of the West that was shared by practically all public men except Barbour.<sup>44</sup> It declared that the lands so assigned "shall, under the most solemn guarantee of the United States, be, and remain, theirs forever—a home that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State."

By the treaty with the Creeks of February 12, 1825 (7 Stat. L., 237), it was agreed to give these Indians land between the Arkansas and Canadian, acre for acre for the land surrendered in the east. This treaty was annulled by the treaty of January 24, 1826 (7 Stat. L., 286), which provided that a deputation of Creeks should select lands in the west, and the United States agreed to "purchase . . . a country . . . proportioned to their numbers." The Creeks

<sup>44</sup> See page 41.



selected the lands originally described in the treaty of 1825, although this area is not described in any treaty prior to those of February 14, 1833 (7 Stat. L., 414, 417), in which the boundary between the Creeks and the Cherokees was definitely fixed.

*Senecas, Shawnees, and Quapaws, 1831 to 1833.* In 1831 the Senecas on Sandusky River (7 Stat. L., 348) and the mixed Senecas and Shawnees around Lewistown, Ohio (7 Stat. L., 351), ceded their eastern lands in exchange for lands adjacent to the Cherokees. These Indians having settled west of the Neosho on land assigned to the Cherokees by the treaty of 1828, they were, by the treaty of December 29, 1832 (7 Stat. L., 411), given separate tracts in the northeast corner of Oklahoma. By the agreement of May 13, 1833 (7 Stat. L., 424), the Quapaws were assigned to an adjacent tract, the entire area being bounded by the north line of the Cherokee cession, the Neosho River, the Missouri boundary, and the Kansas boundary."

*Creeks, Cherokees, and Seminoles, 1832-1833.* By the treaty of March 24, 1832 (7 Stat. L., 366), the title of the Creeks to the western land selected under the treaty of 1826 was confirmed, although the boundaries were not described. This treaty provided that the "Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians, nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them." On May 9 of the same year a treaty (7 Stat. L., 368) was made with the Seminoles, by which it was stipulated that these Indians should remove to the Creek country.

As some of the Creeks had settled within the boundaries of the tract of land granted to the Cherokees, although the Senate had expressly excluded the Creek lands from the Cherokee cession, it was necessary to define the boundaries, which was accomplished by separate agreements with the two tribes made at Fort Gibson on February 14, 1833 (7 Stat. L., 414, 417). As fixed by and in accord-

"Area 1 on map. Later, other tribes were assigned to this area, which, together with the Osage lands, was the only part of Indian Territory, as constituted between 1890 and 1907, which did not belong to the Five Civilized Tribes. This area will be hereafter referred to as that under the Quapaw Agency, a term used in many of the later statutes.

ance with these treaties the Cherokee country proper comprised approximately the area bounded as follows: On the east by the Missouri and Arkansas line and Neosho River; on the north, by the Kansas line; on the west by the ninety-sixth meridian, the old Arkansas boundary, and a line running approximately from the mouth of the Neosho to the mouth of the North Canadian; on the south by the parallel of  $36^{\circ} 10'$ , the Canadian River, and the Arkansas River. The tract is not so described in the treaty, as the western boundary north of the parallel of  $36^{\circ} 10'$  was left indeterminate in order that the entire tract might have an area of 7,000,000 acres.

The area of the Cherokee lands proper was never changed after this date.<sup>48</sup> This treaty reaffirmed the grant to the Cherokee Outlet, which extended west from the ninety-sixth meridian the entire length of Oklahoma between its north boundary and approximately the parallel of  $36^{\circ} 10'$ .<sup>49</sup>

The northern boundary of the Cherokee Outlet was the south line of the Osage Reservation, which later surveys showed to be about  $2\frac{1}{2}$  miles north of the thirty-seventh parallel, which became later the southern boundary of Kansas. When Kansas was formed this narrow area of Cherokee land was left in that State, and afterwards was known as the Cherokee Strip.<sup>50</sup>

The Creek country was bounded on the south by the Canadian River, on the west by the hundredth meridian, on the north by approximately the parallel of  $36^{\circ} 10'$ , and on the east by the old Arkansas boundary of 1824 and by a line running approximately from the mouth of the Neosho to the mouth of the North Canadian.<sup>51</sup> On the east and north the Creek country adjoined the Cherokee country. This treaty registered the assent of the Creeks to the removal to their land of the Seminoles, who were to "be considered a constituent part of said Nation, but are to be located on some part of the Creek country by themselves."

<sup>48</sup> Shown in Area 2 on map.

<sup>49</sup> Area 8 and all areas directly west of it. The southern boundary of the Cherokee Outlet was not exactly the parallel of  $36^{\circ} 10'$ , but it was close to that parallel, which is used in this monograph for convenient reference to that boundary.

<sup>50</sup> This land was sold under the provision of the act of May 11, 1872 (17 Stat. L., 98).

<sup>51</sup> Shown on the map as Areas 3, 6, 7, 15, 16, 17, 18, 23, the portion of 14 south of  $36^{\circ} 10'$ , and the part of 21 north of the Canadian River.

By the treaty of March 28, 1833 (7 Stat. L., 423), with the Seminoles, this tribe was assigned to an area in the Creek country between the Canadian River and the North Canadian River and east of a north and south line running through the forks of Little River.<sup>22</sup>

*Cherokee Neutral Lands.* When the Osages were established in Kansas by the treaty of 1825 (7 Stat. L., 240) a tract twenty-five miles wide was left between their lands and the Missouri line to form a buffer area between the Osages and the settlements in Missouri. This tract was known as the Osage Neutral Lands. When the final treaty for the removal of the remaining eastern Cherokees was signed at New Echota in 1835 (7 Stat. L., 478) provision was made for assigning this tract to the Cherokees, as it was apprehended that the previous cessions were not sufficient for all members of the tribes. This tract was fifty by twenty-five miles and had an area of 800,000 acres. It was known later as the Cherokee Neutral Lands. It was never occupied by the Cherokees and was ceded to the United States in trust in 1866 (14 Stat. L., 804). The treaty of 1835 also reaffirmed the boundaries of the Cherokee lands as stated in the treaty of 1833.

*Chickasaws, 1837.* In 1834 (7 Stat. L., 450) a treaty had been made with the Chickasaws by which they agreed to surrender their eastern lands, but it was recited in this treaty that they had been unable "to find a country, adequate to the wants and support of their people, somewhere west of the Mississippi," so on January 17, 1837 (11 Stat. L., 573), a joint convention was made between the United States and Choctaws and the Chickasaws by which the Chickasaws were to be settled in a special district in the Choctaw country "To be held on the same terms that the Choctaws now hold it, except the right of disposing of it, which is held in common with the Choctaws and Chickasaws." As a consideration for "these rights and privileges," the Chickasaws agreed to pay \$530,000 to the Choctaws. As regards the political rights of the Chickasaws the treaty provided as follows:

. . . [The Chickasaws] to have an equal representation in their General Council, and to be placed on an equal footing in every other respect with any of the other districts of said nation, except a voice in the management of the consideration which is given for these rights and privileges; and the Chickasaw people to be entitled to all

<sup>22</sup> Southwest portion of Area 3 on map.

the rights and privileges of Choctaws, with the exception of participating in the Choctaw annuities, and the consideration to be paid for these rights and privileges, and to be subject to the same laws to which the Choctaws are; but the Chickasaws reserve to themselves the sole right and privilege of controlling and managing the residue of their funds, as far as is consistent with the late treaty between the said people and the Government of the United States, and of making such regulations and electing such officers for that purpose as they may think proper.

The Chickasaw district included the area between the Canadian and the Red west of the meridian of 96° 20'.<sup>88</sup>

*Indian Territory, 1837 to 1854.* Thus, by 1837 the entire area of Oklahoma had been assigned to the Indians under the Quapaw Agency and the Five Civilized Tribes, although the removal of the Five Civilized Tribes was not completed for some years. The area assigned to the several tribes was changed later.

While the fee to all of Oklahoma had thus been divided, there were what might be called certain easements belonging to other tribes.<sup>89</sup> By the treaty of August 24, 1835 (7 Stat. L., 474), between the United States, Comanche, Wichita, Cherokee, Creek, Choctaw, Osage, Seneca, and Quapaw Indians, each of the tribes mentioned was given the right "to hunt and trap in the Great Prairie west of the Cross Timber,"<sup>90</sup> to the western limits of the United States." By the treaty of May 26, 1837 (7 Stat. L., 533), similar rights were given to the Kiowa, the Kiowa Apache (Kataka), and the Tawakoni (Tawakaro) Indians.

<sup>88</sup> Areas 5, 19, 20, 22, and the portion of 21 south of the Canadian on map with an irregular tract in the northwest portion of what later became the Choctaw country (Area 4). This left the Choctaws with Area 4, except an irregular tract in the northwest corner.

<sup>89</sup> The cessions to the Five Tribes differed from almost all others in that they carried not merely the right of occupancy, but also a "base, qualified, or determinable fee, with only the possibility of reversion, and not a right of reversion to the United States" (United States v. Reese, 5 Dillon 412). While patents to the lands under the treaties heretofore discussed were not issued to the Cherokees until 1838, to the Creeks until 1851, and to the Choctaws until 1842 (51 Cong. 1 sess., S. ex. doc. 78, pp. 4, 16, 24), the qualified fee described above was in these tribes immediately after the ratification of the treaties.

<sup>90</sup> The Cross Timber was a wooded district near the ninety-ninth meridian, extending from the Arkansas River in Kansas to the Brazos River in Texas. Gregg in his *Commerce of the prairies* (Thwaites, *Early western travels*, Vol. 20, p. 255) calls it a "brushy strip."

During the period prior to the organization of the Territories of Kansas and Nebraska in 1854, the Indian Territory extended north to the Platte River and west to the Mexican possessions. This was not an organized territory and its limits were not defined, although a bill which was introduced in 1834 but did not pass had fixed its limits and provided the name Western Territory. The bill was one of the three for the conduct of Indian affairs, the other two becoming law on June 30, 1834. The act for the organization of the Department of Indian Affairs made provision for two agents in the Western Territory, evidently with the expectation that all three bills would be enacted. During this period also several proposals were advanced for creation of a separate Indian state or territory, but all legislation looking to this end failed.<sup>88</sup>

*Separation of Choctaws and Chickasaws, and Creation of Leased District, 1854.* From 1837 to 1854 no changes were made in the land assigned to the several tribes, but difficulties had arisen between the Choctaws and Chickasaws regarding the boundaries of the Chickasaw district specified in the treaty of 1837. By the treaty of November 4, 1854 (10 Stat. L., 1116), the Chickasaw district was again defined, and on June 22, 1855 (11 Stat. L., 611), it was again further modified and separate tribal governments were provided for the two nations.

The northern, western, and southern boundaries of the Chickasaw district as established in 1854 were not different from those fixed in 1837, but the eastern boundary of the Chickasaw district and western boundary of the Choctaw district became approximately the meridian of 96° 20', and was never materially changed thereafter.<sup>89</sup> This treaty also established the boundaries of the Choctaw country as they remained thereafter.<sup>90</sup>

By a treaty of 1855, in consideration of \$600,000 paid to the Choctaws and \$200,000 to the Chickasaws, the tribes leased to the

<sup>88</sup> The history of the separation of Kansas and Nebraska from the larger Indian Territory is well told by Roy Gittinger in *The formation of the State of Oklahoma* (1919), which also contains a good account of the proposals for a separate Indian state, the division of the Indian Territory, the opening of the Territory of Oklahoma, and the formation of the state. The plans for a separate Indian state are also given in detail by Annie H. Abel, *Proposals for an Indian state, 1778-1878*, in the *Amer. Hist. Assoc., Annual Report, 1907*, Vol. I, pp. 87-104.

<sup>89</sup> The area of the Chickasaw country at that time comprised Areas 5, 19, 20, 22, and the portion of 21 south of the Canadian, as shown on the map.

<sup>90</sup> Area 4.

United States their lands between the ninety-eighth and one-hundredth meridians," for the permanent settlement of other tribes of Indians; and the land west of the one-hundredth meridian was quitclaimed and relinquished to the United States."

<sup>80</sup> Areas 19, 20, 22, and portion of 21 south of the Canadian. This area has generally been called the Leased District, and is so referred to on later pages. The division of the consideration named in this treaty has been followed in later payments to those tribes; namely, three-fourths to the Choctaws and one-fourth to the Chickasaws.

<sup>81</sup> The one-hundredth meridian is the western boundary of Oklahoma (except for the three counties north of the Panhandle of Texas, formerly called No Man's Land), and in 1820, at the time of the cession to the Choctaws, was the western boundary of the United States. By the treaty of 1820 the Choctaw lands extended to the headwaters of the Canadian and then due south to the Red River. The headwaters of the Canadian were beyond the territory of the United States until after the annexation of Texas. The cession of lands west of the one-hundredth meridian was to dispose of any claim to lands in Texas. After 1895 the Choctaws and Chickasaws again asserted a claim to the land west of the one-hundredth meridian, and sued in the Court of Claims under authority granted by the act of March 2, 1895 (28 Stat. L., 898). The Court of Claims held (34 Ct. Cl., 22-168) that at the date of the treaty of 1820 the United States included the territory ceded to the Choctaws, that the treaty with Spain extinguished the Choctaw title, but did not impair their right of compensation.

On appeal the Supreme Court in 1900 reversed the Court of Claims, and speaking through Mr. Justice Harlan held as follows:

"When the treaty of 1830 was made with the Choctaws the fact was recognized that the United States had apparently ceded to the Choctaws lands west of the one-hundredth degree of west longitude, which by the previous treaty with Spain signed in 1819 and ratified in 1821 had been recognized as within Spanish territory. But that the United States might not appear to cede or agree to cede lands outside of its limits, the treaty of 1830 corrected or qualified the description in the treaty of 1820 of the line running up the Canadian Fork to its source by using the words 'if in the limits of the United States, or to those limits, thence due south to Red River. . . .'

\* \* \* \*

"There can be no doubt as to the meaning and scope of the treaty of 1855. In order simply to avoid future dispute, the United States desired the relinquishment by the Choctaw Nation of all claim to any territory west of the one-hundredth degree of west longitude. . . . It is idle, therefore, to contend that the Indians had any claim upon the United States, after the treaty of 1855, for lands west of the one-hundredth degree of west longitude. The treaty closed that dispute forever, if it had not been closed by previous treaties. . . ." (United States v. Choctaw and Chickasaw Nations, 179 U. S. 517, 521).

It is surprising that either court considered and passed judgment on the claim to land west of the one-hundredth meridian, as the act of March 2, 1895, allowed suit only in regard to the equitable title of the land ceded by the Wichita, which did not extend beyond the meridian of 98° 40'.

*Texas Indians, 1835 to 1859.* The use of the Leased District was obtained by the United States in order to provide lands for the Texas Indians. Some years before, the Wichitas had settled on the North Fork of Red River, notwithstanding the fact that this land had been ceded to the Choctaws. Soon after the general treaty of 1835, they moved east to an area north of Lawton. In 1850 they again moved east to Rush Springs. During the Civil War they took refuge in Kansas and in 1867 were placed on lands near Washita. In 1855 a reservation for the Caddo, Tontawa, Waco, and Tawakoni was secured from the State of Texas on the Brazos River, where they lived quiet and orderly lives until 1859, when the white settlers planned a massacre of all the reservation Indians. Through the efforts of their agent, Robert S. Neighbours, the Indians made a forced march of fifteen days in the heat of July, and after the loss of about half of their stock and possessions reached the banks of the Washita near Anadarko. Shortly afterward, Neighbours was assassinated. During the Civil War the Caddos remained loyal, and took refuge in Kansas and Colorado.<sup>61</sup>

*Separation of Creeks and Seminoles, 1856.* The union of the Creeks and the Seminoles in 1833 had been unsuccessful like that of the Choctaws and Chickasaws of 1837, which had been terminated in 1855. So by the joint treaty of August 7, 1856 (11 Stat. L., 699), the Seminoles were definitely separated from the Creeks, and there was ceded to them an area bounded approximately by the ninety-seventh meridian, the North Canadian, the parallel of 36° 10', the one-hundredth meridian, and the Canadian River.<sup>62</sup> The Creek country was the remainder of the area described in the treaty of March 24, 1832, and was bounded approximately by the meridians of 95° 15' (the Arkansas boundary of 1824), the parallel of 36° 10' (the southern line of the Cherokee country), the North Canadian, the meridian of 97°, and the Canadian River.<sup>63</sup> The Creeks relinquished all their land in the east and were paid

<sup>61</sup> Hodge, *Handbook of American Indians*, Vol. 1, p. 180. A detailed history of the Wichitas is given in 34 Court of Claims 22-168.

<sup>62</sup> On the map this area is included in the west half of 18, the portion of 23 south of the North Canadian, and the portion of 21 between the Canadian River, the North Canadian, the parallel of 36° 10', and the one-hundredth meridian.

<sup>63</sup> Arcas 3, 6, 7, 15, 16, 17, southern end of 14, approximately the eastern half of 18, and the portions of 21 and 23 north of the North Canadian.

\$1,000,000. The Seminoles were paid \$90,000 for their improvements and the expense of removal, in addition they were given certain annuities, and \$250,000 was to be invested for them, with an additional investment of \$250,000 on their account when the remainder of the tribe should emigrate from Florida.

*Effect of the Civil War.* At the beginning of the Civil War, in addition to the Five Civilized Tribes, there were settled in Oklahoma the Wichita and affiliated bands, the Quapaws, the Senecas, and the Shawnees. The Wichitas and affiliated bands had been moved from Texas and settled on a part of the land afterward assigned to them," but no definite limits to their land has been established. In 1832 the Senecas on Sandusky River, Ohio, and the mixed Senecas and Shawnees around Lewistown, Ohio, and in 1833 the Quapaws were given separate tracts in the northeast corner of the present state." Some of the Shawnees are reported to have settled on the North Canadian River in 1845," probably near the present city of Shawnee, but no provisions appears to have been made for them prior to the act of May 23, 1872 (17 Stat. L., 159). They were known as the Absentee Shawnees.

The Civil War threw all relations with the Indians into confusion. Some of the Indians went over to the Confederacy, some were loyal, some tried to maintain neutrality, and some adhered first to one side and then to the other. The immediate result of the movement of organized expeditions, of forays, and of battles was ruin and desolation, the Kansas border being occupied by thousands of refugees who were inadequately fed and sheltered."

*The Treaties of 1866.* Reconstruction brought its problems to Indian Territory as well as to other areas involved in the great conflict. The situation was complicated by the treaty relations with the tribes, by the fact that portions of the tribes had been loyal, and by the existence of slavery. Final settlement was made by

" Area 20 on map.

" Area 1.

" 51 Cong. 1 sess., S. ex. doc. 78, p. 19.

" For accounts of conditions during this period, see Gittinger, *op. cit.*, and Abel, *The American Indians as participants in the Civil War*. The Cherokee situation is given by Rachel C. Eaton in *John Ross and the Cherokee Indians*, which also contains a good account of Cherokee relations between 1789 and 1866.



a series of treaties concluded in 1866," which fixed the final limits of the lands of the Five Tribes, with the exception of a small area ceded by the Creeks to the Seminoles in 1881.

There were certain features common to all of these treaties, which will be discussed before the land cessions by each nation are considered. The Indians declared void all treaties made with the Confederacy, and general amnesty was declared for all acts committed during the war. Slavery was formally abolished, and it was provided that all former slaves, as well as free colored persons who were living in the nation at the outbreak of the rebellion, should have the same rights as the Indians. Provision was made to use part of the proceeds from the sale of lands to make payments to loyal Indians who had suffered losses during the war. The Indian Territory, to which thirty years earlier the Indians had been removed so that they would be forever out of the path of economic development, now sat astride of the most direct route from the Central Mississippi Valley to the southwest. Accordingly, the Indians agreed to grant a right of way to railroads authorized by Congress, and a method was provided for determining the value of the land so taken.

The old idea of a real Indian Territory again came to the fore, and provision was made for a general council of delegates from each tribe, which council was to have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in the territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of the said territory, and persons other than Indians and members of those tribes or nations, the construction of works of internal improvement, and the common defense or safety of the nations of the territory. All laws enacted by the general council were to take effect at such time as might be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States."

"A brief account of conditions is given by Gittinger. A more detailed account is given by Annie H. Abel in *The American Indian under Reconstruction*.

"The first council was not organized until 1869 (Abel, *Proposals for an Indian state*, Amer. Hist. Assoc., Annual Report, Vol. 1, 1907, p. 101). The

The tribes agreed that courts should be established with such jurisdiction as Congress might provide and that Congress might pass such legislation as it should deem necessary for the better administration of the rights of person and property, but with the restriction that such legislation should not interfere with or annul their existing organization, rights, privileges, and customs.

The first treaty to be signed was that made on March 21, 1866 (14 Stat. L., 755), with the Seminoles, who for a consideration of \$325,362 ceded all of the lands assigned to them under the treaty of 1856 "in compliance with the desire of the United States to locate other Indians and freedmen thereon,"<sup>70</sup> while the United States ceded to the tribe 200,000 acres between the Canadian and the North Canadian, this cession being a part of the area ceded by the Creeks and immediately west of the newly established Creek boundary. For this land the Seminoles agreed to pay \$100,000. This new tract for the Seminoles "had its western boundary approximately at the meridian of 96° 45' and was about eight miles wide. This became the permanent home of the Seminoles, a tract on the east about five miles wide" purchased from the Creeks, being added in 1881, under the act of March 3, 1873 (17 Stat. L., 626).<sup>71</sup>

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council seems to have met annually for a number of years, although there are no references to it in the annual reports, apparently the only government publication relating to it being the proceedings of the Council for 1870, published as S. ex. doc. 26, 41 Cong. 3 sess. The papers are doubtless in the old files of the Indian Office. A popular description of one of the councils is given in *Lippincott's Magazine*, Vol. 24, pp. 371-5 (September, 1879). The council never exercised any legislative powers.

<sup>70</sup> While the treaty of 1866 stated that "the Seminoles cede and convey" their entire domain, the title of the United States was evidently qualified by the preceding clause expressing "the desire of the United States to locate other Indians and freedmen thereon." By Section 12 of the act of March 2, 1889 (25 Stat. L., 1004), \$1,912,942.02 was appropriated "to pay in full the Seminole Nation of Indians for all the right, title, interest, and claim which said nation may have in and to certain lands ceded by Article 3" of the treaty of 1866. By Section 13 of the same act, this land became a part of the public domain.

<sup>71</sup> Area 6 on map.

<sup>72</sup> Area 7.

<sup>73</sup> The agreement of February 14, 1881, containing the cession from the Creeks to the Seminoles does not appear in the Statutes at Large. The act of August 5, 1882 (22 Stat. L., 265), making an appropriation to pay the Creeks for the ceded lands, refers to the agreement as being on file in the Department of the Interior.

The treaty with the Choctaws and Chickasaws was signed on April 28 (14 Stat. L., 769). There was ceded to the United States the Leased District, or the area west of the ninety-eighth meridian and south of the Canadian River," but no change was made in the boundaries of the Choctaw and Chickasaw nations as established by the treaty of 1855.<sup>74</sup> Allotment in severalty was provided for whenever the national councils of the two nations should agree to it. The land was not divided, however, until many years later. These tribes also agreed to allow not over 10,000 Kansas Indians to settle in their country, to have the same political rights as the Choctaws and Chickasaws, to receive allotments in severalty, but not to have a share in the annuities or any money that might be divided per capita. These Indians were never moved to the Choctaw and Chickasaw lands, but were settled in other parts of the Territory, as will be shown below.

<sup>74</sup> Later the Choctaws and Chickasaws claimed that this cession was not absolute, but was for the purpose of settling other Indians on these lands. By the act of March 2, 1895 (28 Stat. L., 898), the Indians were given the right to sue in the Court of Claims, which held (34 Ct. Cl. 22) that the Choctaws and Chickasaws held a reversionary right to the fee of the Leased District.

An appeal was taken to the Supreme Court, and the decision, by Mr. Justice Harlan (179 U. S. 494) in 1900, reversing the Court of Claims, contained an exhaustive account of all Choctaw and Chickasaw treaties up to 1866, a part of the finding being as follows:

"If the Indians intended, so far as they were concerned, to pass an absolute, unincumbered title to the United States, it would, we think, have been impossible to employ language more appropriate to that object than is to be found in the treaty of 1866. Our convictions upon this point are so decided that we feel constrained to say that if some of the parties had not been Indians it would never have occurred to any one that the cession of territory made by that treaty was attended by conditions in the nature of a trust." (P. 538.)

In commenting upon the certain rules of construction laid down in earlier cases (*Worcester v. Georgia*, 6 Peters 515, 563, 582; *Choctaw Nation v. United States*, 119 U. S. 28; and *Jones v. Meehan*, 175 U. S. 11) that the language used in treaties should never be construed to the prejudice of the Indians, the Court said:

"... It has never been held that the obvious, palpable meaning of the words of an Indian treaty may be disregarded because, in the opinion of the court, that meaning may in a particular transaction work what it would regard as injustice to the Indians." (P. 532.)

In July, 1927, the Acting Attorney General held that the entire bed of Red River between the eastern boundary of Oklahoma and the ninety-eighth meridian belongs to the Indians (35 Op. Att. Gen. 251-259).

<sup>75</sup> Areas 4 and 5.

The affairs of the Creeks were settled by the treaty of June 14 (14 Stat. L., 785). The Creeks, in consideration of \$975,168, ceded to the United States the west half of their lands, or the area bounded approximately by the meridian of 96° 40', the parallel of 36° 10', the North Canadian the meridian of 97°, and the Canadian River.<sup>70</sup>

The most extensive cession of land was provided in the treaty of July 19 with the Cherokees (14 Stat. L., 799) for the disposition of the Cherokee Outlet, but all of this land was not ceded immediately, provision being made for the United States to acquire it from time to time, under the following provision:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President, and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

The disposition of this land will be considered below in the account of the tribes removed to the Indian Territory. The Chero-

<sup>70</sup> Areas 6, 15, 16, 17, eastern half of 18, south end of 14, and parts of 23 and 21 north of the North Canadian. According to the treaty, this ceded tract was estimated to have an area of 3,250,560 acres. The line was established before a detailed survey of the lands had been made; after the lands had been surveyed it was found that the cession had an area of 151,870.48 acres above the amount stated in the treaty. An appropriation of \$45,561 to pay the Indians for this excess was carried in the act of July 7, 1884 (23 Stat. L., 212). The treaty with the Creeks was more explicit than that with the Seminoles cited above (page 103), as it was stipulated that the lands ceded and conveyed were "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon." By the act of March 1, 1889 (25 Stat. L., 757), the United States obtained an unconditional title to these lands by a payment of \$2,280,857.10. These lands then became a part of the public domain.

kees also ceded the neutral lands in Kansas acquired under the treaty of 1835, to be held in trust by the United States and sold for the benefit of the Indians.

Article 15 of the Cherokee treaty provided also that the United States might "settle any civilized Indians, friendly with the Cherokees and adjacent tribes, within the Cherokee country, on unoccupied lands east of 96°, on such terms as may be agreed upon by any such tribe and the Cherokees." It was also provided that if any such tribe should abandon its tribal organization the members should be incorporated with the Cherokees on equal terms, provided that it paid into the Cherokee national fund a sum proportionate to its numbers. If the tribal organization was not abandoned, the Indians so settling on Cherokee lands should be limited to an agreed area for which payment should be made to the Cherokees. The Delawares became incorporated with the Cherokees by the agreement on April 8, 1867, and the Shawnees by the agreement on June 9, 1869.<sup>77</sup>

Thus by 1866 the United States had acquired three kinds of property right in the part of Oklahoma west of the lands specifically assigned to the Five Civilized Tribes.<sup>78</sup> To the Leased District<sup>79</sup> it had a title in fee. To the Creek and Seminoles cessions<sup>80</sup> it had the right to settle other Indians without making additional payment, but not a title in fee. To the Cherokee Outlet<sup>81</sup> it had the right to purchase lands for other Indians.<sup>82</sup> The area between the Red River and the North Fork of Red River<sup>83</sup> was claimed by Texas,<sup>84</sup> and the part of Oklahoma west of the

<sup>77</sup> These agreements are not contained in the Statutes at Large, but their provisions are summarized in the act of October 19, 1888 (25 Stat. L., 608).

<sup>78</sup> Who occupied the areas marked 2, 3, 4, 5, 6, and 7 on the map.

<sup>79</sup> Areas 19, 20, and portion of 21 south of Canadian River.

<sup>80</sup> Areas 15, 16, 17, 18, 23, southern half of 14, and part of 21 north of the Canadian River.

<sup>81</sup> Area 8 and all lands west to the one hundredth meridian.

<sup>82</sup> In 1883 an appropriation of \$300,000 was made to pay the Cherokees for certain lands in the Cherokee Outlet (22 Stat. L., 624). When this money was distributed by the Cherokees it was paid only to Cherokees by blood, and no portion was given to the freedmen, the Delawares, or the Shawnees. By the act of October 19, 1888 (25 Stat. L., 608), the sum of \$75,000 was appropriated to pay the freedmen, Delawares, and Shawnees, and provision was made for charging this amount against future payments for land acquired from the Cherokees.

<sup>83</sup> Area 22.

<sup>84</sup> This was not settled until 1896. See *U. S. v. Texas*, 162 U. S. 1.

one-hundredth meridian or No Man's Land<sup>88</sup> was not in any State or Territory.

*Projects for Indian Segregation.* The building of the Pacific railroads, the resulting development of the west, and the outbreaks of several Indian tribes again brought to the front the question of the segregation of the Indian population. In 1863 Congress had specifically authorized the President to arrange for the removal of Indians from Kansas to "the country south of Kansas and west of Arkansas, commonly known as the Indian Country" (12 Stat. L., 793), but the disturbed conditions in Indian Territory resulting from the war made any action impossible. One project that received much support was to have two large areas assigned to the Indians—one in Indian Territory and one farther north and west. The segregation was never carried out in the northwest, but in Indian Territory it was accomplished to a limited extent, mostly by the removal from Kansas and Nebraska of Indians who had previously been removed from areas farther east, but some tribes from the west and northwest were moved also. It was in preparation for this removal that the cessions from the Five Civilized Tribes were obtained in 1866. For ten years or more after the close of the war there were also many projects for a unified Territory for the Indians under a territorial form of government.<sup>89</sup> The extent to which the segregation was carried out is indicated in the following pages.

*Kiowa, Comanche, and Apache, 1865.* The first cession to other tribes was that made to the Kiowas and Comanches in 1865 (14 Stat. L., 717). The boundary of this tract ran the full length of the eastern boundary of New Mexico, then from the southeast corner in a line northeast across Texas to the mouth of the North Fork of Red River, down Red River to the ninety-eighth meridian, due north to the Cimarron River, up the Cimarron to the Kansas line,

<sup>88</sup> This area was also known as the Public Land Strip and Neutral Strip; it was ceded to the United States by Texas on November 25, 1850 (Laws of the Third Legislature, Vol. III, pt. 4, p. 4), in accordance with the act of Congress of September 9, 1850 (9 Stat. L., 446). For general description of conditions in this area, see Kelly, "No Man's Land," in *Kansas State Historical Society, Transactions*, Vol. 4, pp. 324-31.

<sup>89</sup> For account of these projects, see Gittinger, *op. cit.*, and Abel, *Proposals for an Indian State*, *Amer. Hist. Assoc., Annual Report*, 1907, Vol. 1, pp. 89-104.

and then west to the northeast corner of New Mexico. It included the Public Land Strip, as well as four tracts to which the United States had no title—The Panhandle of Texas and an area south and southeast of it, a portion of the Seminole lands, a portion of the Creek lands, and a portion of the Cherokee Outlet—the United States having no right to dispose of the Creek, Seminole, and Cherokee lands until 1866, except under the assumption that all those lands had been forfeited as a result of these tribes going over to the Confederacy. By two treaties of October 21, 1867 (15 Stat. L., 589), these Indians and the Kiowa Apaches were assigned to a portion of the Leased District, bounded by the North Fork of Red River, the Red River, the ninety-eighth meridian, the Washita to a point thirty miles west of Fort Cobb, measured along the stream, and then a straight line west to the North Fork of the Red.<sup>87</sup>

Provision for allotment in severalty was made in the agreement of October 21, 1892, ratified by the act of June 6, 1900 (31 Stat. L., 676),<sup>88</sup> the surplus lands being opened to settlement on July 10, 1901, under the proclamation of July 4, 1901 (32 Stat. L., pt. 2, 1975).

*Sac and Fox, 1867.* On February 18, 1867 (15 Stat. L., 495), a treaty was made with the Sacs and Foxes of the Mississippi by which they ceded their lands in Kansas and were allowed to select a tract of 750 square miles in Indian Territory. The land selected<sup>89</sup> was between the North Canadian and the Cimarron and immediately west of the new boundary of the Creek country.<sup>90</sup>

By the agreement of June 12, 1890, ratified by the act of February 13, 1891 (26 Stat. L., 749), provision was made for allotment in severalty and the cession of the surplus lands to the United States for the consideration of \$485,000. The surplus lands were opened to the settlement September 22, 1891, under the proclamation of September 18, 1891 (27 Stat. L., 989).

*Indians under Quapaw Agency, 1867.* By a joint treaty with the Quapaws, Senecas, mixed Senecas and Shawnees, Confederated

<sup>87</sup> Area 19.

<sup>88</sup> This act gave rise to the case of *Lone Wolf v. Hitchcock* (187 U. S. 553), in which it was definitely held in 1903 that Congress had power to abrogate the provisions of an Indian treaty.

<sup>89</sup> Area 15.

<sup>90</sup> 21 COMP. TERR. S. EX. DOC. 78, P. 17.

Peorias, Kaskaskias, Weas, Piankeshaws, Miamies, Ottawas of Blanchards Fork and Roche de Bœuf, and certain Wyandottes, made on February 23, 1867 (15 Stat. L., 513), the Quapaws and Senecas relinquished certain lands and provision was made for the following reservations:

Quapaw

Ottawa

Peoria, for consolidated bands of Kaskaskia, Miami, Peoria, Piankeshaw, and Weas

Seneca

Shawnee

Wyandotte

All these reservations were in the northeast corner of the Territory (1 on map). The Quapaws, Senecas, and Shawnees had occupied this area since 1832 and 1833, but the other tribes were newcomers, who originally lived in the Great Lakes region and had been moved to Kansas.

*Potawatomi, 1867.* Arrangements were made for moving the Potawatomi by the treaty of February 27, 1867 (15 Stat. L., 531). These Indians were originally located in the Great Lakes region, but between 1836 and 1841 had gone west, some to Iowa and some to Kansas. In 1846 they were all united in southern Kansas, where in 1861 some had taken land in severalty. The treaty of 1867 provided for a tract not exceeding thirty miles square to be selected by the Indians. This selection was not made and approved until November 9, 1870,<sup>21</sup> and several years elapsed before all the Indians were moved.

Arrangements for allotment in severalty and the cession of surplus land were made in the agreement of June 25, 1890, ratified by the act of March 3, 1891 (26 Stat. L., 1016). The reservation was opened to settlement September 22, 1891, under the proclamation of September 18, 1891 (27 Stat. L., 989).

*Cheyenne and Arapaho, 1867.* Prior to 1867 the Cheyennes and Arapahoes had been assigned to several areas in Colorado and Kansas,<sup>22</sup> although they never occupied the Kansas lands, but the first cession to them in Oklahoma was made by the treaty of October 28, 1867 (15 Stat. L., 593), by which they were given

<sup>21</sup> *Ibid.*, p. 18. Area 18 on map.

<sup>22</sup> See pages 62 to 64.



the portion of the Cherokee Outlet between the Arkansas and Cimarron Rivers and the portion of the Creek cession immediately south of the Outlet and north of the Cimarron River." These Indians never settled on these lands, and a new reservation, to which they were moved in 1869, was established for them by the executive order of August 10, 1869," embracing parts of the Creek and Seminole cessions and of the Leased District. This was almost a rectangular area bounded by the ninety-eighth and one-hundredth meridians, and approximately the parallels of  $36^{\circ} 10'$  and  $35^{\circ} 10'$ ." The Wichita Indians, however, occupied the tract between the Canadian and the Washita and the meridians of  $98^{\circ}$  and  $98^{\circ} 40'$ ," and the Cheyennes and Arapahoes never occupied that portion of their reservation.

Under the agreement made in October, 1890, and ratified by the act of March 3, 1891 (26 Stat. L., 1022), provision was made for

" Areas 10, 11, 12, 13, 14, 24, and portions of 23 and 25 north of the Cimarron.

" Kappler, Vol. 1, p. 839. Executive orders relating to Indian reservations, 1855 to 1912, p. 138.

" Areas 20 and 21. The southern portion of the western boundary and the western portion of the southern boundary are incorrectly described in the Executive order of 1869 as follows:

" Thence south on the line of said one-hundredth degree to the northern boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October 21, 1867, with the said tribes; thence east along said boundary, etc."

The treaty of October 21, 1867, describes the north boundary of the Kiowa and Comanche Reservation as follows, viz.:

" Thence due west to the North Fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude, if not, then only to said meridian line, etc."

By actual survey the north boundary of the Kiowa and Comanche Reservation was found to strike the North Fork of Red River some thirty miles east of the one-hundredth meridian. Hence, a continuation of the west boundary of the Cheyenne and Arapaho Reservation along the one-hundredth meridian would not strike the north boundary of the Kiowa and Comanche Reservation.

The west boundary of this reservation of the Cheyennes and Arapahoes extended south on the line of the one-hundredth degree of west longitude to the point where it struck the North Fork of the Red River; thence down said North Fork to a point where it struck the northwest corner of the Kiowa and Comanche Reservation; thence along the north boundary of that reservation.

This boundary line was so recognized and so indicated on all the maps published by the government.

" Area 20.

allotment in severalty and the cession of surplus lands for a consideration of \$1,500,000. The cession by these tribes included also the tract in the Cherokee Outlet and the lands assigned to the Wichitas which had never been occupied by the Cheyennes and Arapahoes. The Cheyenne and Arapaho lands proper were opened to settlement April 19, 1892, under the proclamation of April 12 (27 Stat. L., 1018).

*Wichita, 1867.* In 1867 the Wichitas and the affiliated bands returned from Kansas, to which they had fled during the war and again settled on the tract between the Washita and the Canadian. The Wichitas held no title to this reservation, although its limits were defined by an agreement of October 19, 1872,<sup>77</sup> which was never ratified and consequently was not binding. The government tacitly recognized the right of the Indians to remain in this area, which was a part of the Cheyenne and Arapaho Reservation as established in 1869. The rights of the Cheyennes and Arapahoes were extinguished in the agreement with those Indians, made in October, 1890, and ratified by the act of March 3, 1891 (26 Stat. L., 1022), which provided for allotment in severalty and the opening of surplus lands to settlement. The rights of the Wichitas to the land were first formally recognized by the agreement of June, 1891, ratified by the act of March 2, 1895 (28 Stat. L., 895), which provided for allotment in severalty, the opening of surplus land to settlement, and the payment to the Wichitas of the money received from the sale of surplus lands. This act also allowed the Choctaws and Chickasaws to bring to suit to determine whether they had an equitable interest in these lands.<sup>78</sup> The Wichita lands were opened to settlement August 6, 1901, under the proclamation of July 4 (32 Stat. L., pt. 2, 1975).

*Osage, 1870.* The removal of the Osage Indians from Kansas was determined upon in 1870, by the act of July 15 (16 Stat. L., 362), which provided that they should receive a tract aggregating 160 acres for each member of the tribe. The Indians were moved in 1870 and 1871, but after the area was surveyed it was found that a large portion of the land selected was within the reserved lands of the Cherokees. Accordingly, by the act of June 5, 1872

<sup>77</sup> 51 Cong. 1 sess., S. ex. doc. 78, p. 29.

<sup>78</sup> See page 104.

(17 Stat. L., 228), there was assigned to them a tract in the Outlet immediately west of the Cherokee country, and bounded by the ninety-sixth meridian, the parallel of 36° 10' as far as the Arkansas River, the Arkansas River, and the south line of Kansas," the removal to the new reservation being made in 1873. It was provided, however, that the Osages should permit the Kansas Indians to settle on a portion of this land, the area selected being in the northwest corner.<sup>1</sup> The Cherokees were paid \$1,099,137.41 for this area out of the proceeds of the sale of the Osage land in Kansas. The Kansas Indians reimbursed the Osages for the cost of the lands assigned to them.

Allotment in severalty of the lands of the Osage Indians was provided by the act of June 28, 1906 (34 Stat. L., 539). Each Indian was given the right to make three selections of 160 acres each, one of which was to be designated as a homestead. The homestead was inalienable during the life of the allottee, the other selections, known as surplus lands, being inalienable for twenty-five years, unless a certificate of competency is issued by the Secretary of the Interior. All the mineral rights in the allotted lands were to be held for the benefit of the tribe for twenty-five years, or until 1931, when they were to become the property of the individual owner. By the act of March 3, 1921 (41 Stat. L., 1249), all members of the tribe were made citizens and the restrictions against alienation both for the homestead and surplus lands were removed from all adults of less than half Indian blood. The tribal ownership of the mineral rights was extended to April 7, 1946. Oklahoma was authorized to levy a tax on the production of oil and gas, and the Secretary of the Interior was directed to pay to Osage County a sum equal to one per cent of the amount received by the Indians as royalties, to be used by the county for the construction of roads and bridges.

The Osage Indians represent one of those strange turns in the wheel of fate, by which they have progressed (financially) from the poorest of Indians to probably the richest class of people in the world. Before and after their removal to Kansas the reports repeatedly called attention to their deplorable and destitute con-

<sup>10</sup> Areas 8 and 9.

<sup>1</sup> *Ibid.*, p. 11. Area 9 on map.

dition.<sup>3</sup> In 1886 government rations were being issued to 50 per cent of the tribe; by the end of the century they were fairly prosperous, and in the fiscal year 1926 the per capita income, mostly from the proceeds of oil leases, of persons on the roll amounted to \$13,400.<sup>4</sup>

In a report on the condition of the Osages in 1920 Mr. George Vaux, Jr., wrote in part as follows:<sup>4</sup>

... Their wealth literally has been thrust upon them, unwittingly on their part. They are almost, if not quite, dazed by it. I have been over many of their household accounts—bills for family expenses run up with local merchants. Many of the totals are appalling. For example, in a family of two, an average for months of over \$400 per month for meats alone; while four or five pairs of blankets a month are being purchased by the same couple. Other expenditures are in proportion. These people do not know what they are doing; they have never been trained, nor have they the opportunity to learn what it all means.

That the money is being largely squandered is evident. Of course, a great deal of it goes into automobiles; many Osages have several, and they are all high-priced cars. One rarely sees an Osage in a Ford. Apart from this expenditure, however, not any very valuable personal property appears to be acquired. Probably the most

<sup>3</sup> In 1837, Isaac McCoy, writing from Fort Gibson, Indian Territory, said:

"Never was a people in a more pitiable condition than the Osages. They raised, in a manner, no corn the past season; they have no resources of food within their own limits; there are not game and roots sufficient to keep them from actual starvation, and on every side they are repulsed, none, either red or white, being willing to have them nearer." 25 Cong. 2 sess., S. doc. 59, p. 3.

In December, 1868, Lieut. Col. M. V. Sheridan reported on their condition as follows:

"... Their condition certainly approaches very nearly starvation; they have nothing but pumpkins, acorns, and what few deer they can find on their reservation. They have no breadstuffs of any kind whatever, and no property to trade for any. Unless issues of provisions are made to them by the government during this winter they will either starve or subsist by raids on the settlers in their vicinity." 40 Cong. 3 sess., S. ex. doc. 41, p. 1.

<sup>4</sup> There were 2229 persons on the roll when it was closed in 1907. Children born since the closing of the roll do not receive anything if their parents are alive; if the parents are dead they receive the share of the parent. On June 30, 1926, the population of the tribe was 2826, so the average per capita income for every man, woman, and child was \$10,569, the total placed to the credit of individuals being \$29,868,600.

<sup>5</sup> Board of Indian Commissioners, Annual Report, 1920, pp. 116-17; see also Vaux's earlier report in Annual Report, 1917, pp. 17-29.

significant indication is that shown by the Osage County banks. There are twelve of these. I have reports from them as of May 1, 1920, showing the status of their dealings with incompetent Osages on that date. During the fiscal year, up to that time, some \$14,000,000 or \$15,000,000 had been distributed in the per capita payments, yet there were only ninety-one such Osages having bank accounts, aggregating \$96,207.62, while at the same time 237 of them owed the same banks for money borrowed, \$237,655.64. The largest individual loan was \$11,760.75.

I do not believe that the world can show a parallel to this situation. In all conscience one would expect that an appreciable portion of this vast sum distributed would find its way into the local banks; instead, however, the indebtedness to banks is nearly two and one-half times the deposits. None of these Indians is in commercial business; all are "incompetent." Fortunately, the banks themselves are beginning to realize the danger arising from such a situation. As one of their steps looking toward the general deflation now so necessary, they are declining to discount any new paper issued by the Osages for the purchase of automobiles. This should have a salutary effect so far as it goes. It may be more significant as indicating a wiser policy towards the Osages on the part of these most essential commercial agencies.

The remedy for all this demoralization is not easy. Several years ago, when the need was first evident, was the time when legislation should have been enacted by Congress, requiring that all payments to incompetents should be made under proper supervision. Among the Five Civilized Tribes only \$200 per annum may be paid directly to such an individual. A similar course should be followed here. The law should prevent the sale or mortgaging any personal property except with official approval. A small sum might be paid to each individual for reasonable pin money. The balance should be expended only under authority and when necessary, and the balance invested to the credit of the owner. Economy and thrift could thus be encouraged, and there might be some hope for the future. As it is there is no such hope and there cannot be so long as present conditions exist. The end will come when the money gives out, and then these poor people largely will be helpless paupers.

It is true that such a course will meet with determined opposition from many of the Osages. Most parents find that their children do not appreciate to the full wise action taken for the highest good of those same children. There will be determined opposition from a certain class of storekeepers, merchants, bankers, and others who are living off these same incompetent Indians. Rumor is that in some cases as high as 1000 per cent is paid by them for money. Of course, this is not to any regular and reputable bank. The beneficiaries of such a nefarious system naturally will raise a howl. Their opposition is perhaps the strongest argument that can be

brought in favor of some such plans. There are numerous business men and bankers who welcome the proposed reforms. They are not the ones who are grafting, and they know that legitimate business will be stimulated by the assurance that all just bills will be paid with promptness. They are glad to have their transactions carefully scrutinized, and wish to be relieved of the unscrupulous competition of those who have been instrumental in bringing about present conditions.

The act of March 3, 1921, referred to above, as amended by the act of February 27, 1925 (43 Stat. L., 1008), has remedied some of the conditions described in Mr. Vaux's report. The act of 1906 required that all money due the Indians, both competent and incompetent, should be paid to them. The act of 1921 provides that full payments should be made only to competent Indians.<sup>5</sup> For noncompetent adults the maximum payment is \$1000 quarterly, unless there is a legal guardian, in which case the entire income may be paid to the guardian. In the case of minors the maximum payment is \$500 quarterly for maintenance and education, to be paid to parents, natural guardians, or legal guardians. In addition, the rentals from land and the income from investments are paid to the Indians. The remainder is held for the benefit of the Indians. In May, 1927, the accumulated money held for the benefit of the Indians amounted to approximately \$31,000,000, of which \$13,000,000 was deposited in banks in Oklahoma and about \$18,000,000 was invested in government bonds. Other forms of investment are authorized by law, but have not been utilized.

The act of February 27, 1925 (43 Stat. L., 1008), authorizes the Secretary of the Interior to revoke certificates of competency and provides that none but heirs of Indian blood shall inherit from those who are of one-half or more Indian blood.

*Kansas, Modoc and Kickapoo, 1873.* The year 1873 saw Indians from three widely separated areas brought to the Indian Territory. From Kansas came the Kansas Indians to whom reference has already been made,<sup>6</sup> from Oregon a part of the Modocs, and from Mexico a band of Kickapoos. In 1873, after the Modoc war, some of the Modocs were placed on the Klamath Reservation and

<sup>5</sup> Indians of less than one-half Indian blood are declared competent by the act.

<sup>6</sup> See page 112.

the remainder moved to the Quapaw Agency<sup>7</sup> on land later acquired from the Shawnees by the agreement of June 23, 1874, ratified by the act of March 3, 1875 (18 Stat. L., 447).<sup>8</sup> By the act of March 3, 1909 (35 Stat. L., 751), the Secretary of the Interior was authorized to restore to the rolls of the Klamath Agency any of the Modoc Indians in Oklahoma who desired to return to Oregon.

The Kickapoos in the early part of the eighteenth century were in Illinois and Indiana, but they ceded the last of their lands east of the Mississippi in 1819, and later removed to Missouri and then to Kansas. About 1852 a portion went to Mexico, where they were joined by others in 1863. In 1873 part of them were induced to return and were settled on a tract north of the Canadian River,<sup>9</sup> which was formally assigned to them as a reservation by the Executive order of August 15, 1883.<sup>10</sup> Allotments in severalty were provided in the agreement of June 21, 1891, ratified by the act of March 3, 1893 (27 Stat. L., 557), the Indians receiving \$64,650. The surplus lands were opened to settlement May 23, 1895, under the proclamation of May 18, 1895 (29 Stat. L., 868). By the act of June 21, 1906 (34 Stat. L., 363), all restrictions on the alienation of lands of adult Kickapoos were removed, and there followed the usual crop of frauds.

Under the act of June 21, 1906 (34 Stats., 363), removing the restrictions against alienation and encumbrance above referred to, the movement began, and many of the Indians were easily persuaded to give deeds to their Oklahoma lands, in many cases for considerably less than they were worth. It appears that the purchasers were not always careful to have the deeds signed by the Indian owners, but deeds good on their face were obtained and recorded for about seventy-five allotments.

The Indian Office and the Interior Department, believing that these Indians had illegally sold their lands and had in many cases been defrauded, immediately called upon the Department of Justice for legal assistance and advice. After careful investigation equity suits were brought in the United States Circuit Court for the

<sup>7</sup> Portion of Area 1 on map.

<sup>8</sup> The agreement is not given in the Statutes at Large, but may be found in Kappler, Vol. 1, p. 158; also in Executive orders relating to Indian Reservations, 1855 to 1912, p. 144.

<sup>9</sup> Area 17 on map.

<sup>10</sup> Kappler, Vol. 1, p. 844; Executive orders relating to Indian Reservations, 1855 to 1912, p. 144.

Western District of Oklahoma to set aside these deeds and recover the allotments. The defendants demurred and the court took the cases under advisement. During the interim the government secured indictments of some of the defendants on the grounds of forgery and other frauds. The criminal proceedings were opposed by the defendants with every resource at their command. It took many months, for instance, before extradition proceedings were successful. Finally, after many delays and great expense, the government has been successful at every point. The court sustained the government's contention in the equity suits that, notwithstanding the removal of restrictions by the act of 1906, the allotments were still held in trust for the Indians by the United States, and that the Indian grantors had not, therefore, the capacity to execute the deeds without the concurrence of the government acting through the Secretary of the Interior.

Thereupon, the principal defendants capitulated and proposed settlements in suits involving sixty-nine out of the seventy-five allotments. The settlements, which were accepted, provided for the complete restoration to the Indians of the allotments with the mesne profits and that the government would use its influence with the Indians to have them give back to the defendants certain lands in Mexico and moneys in Texas secured for the Indians by the defendants or deposited as consideration for the Indian deeds.<sup>11</sup>

*Pawnee, 1876.* The act of April 10, 1876 (19 Stat. L., 28), provided for the sale of the old Pawnee Reservation in Nebraska and the creation of a new reservation in Indian Territory<sup>12</sup> partly in the Cherokee Outlet and partly in the former Creek country, to which they were moved in 1876. Allotments in severalty and the opening of the surplus lands were provided for in the agreement of November 23, 1892, ratified by the act of March 3, 1893 (27 Stat. L., 644).<sup>13</sup> The Pawnees were given \$80,000 and the residue of the proceeds of the surplus land was to be placed to their credit in the Treasury. The surplus lands were opened to settlement September 16, 1893, under the proclamation of August 19 (28 Stat. L., 1224).

*Nez Percé, 1877.* The Nez Percé outbreak in Idaho in 1877 resulted in bringing another band of northwest Indians to the Indian Territory. Chief Joseph claimed that he surrendered to

<sup>11</sup> Commissioner of Indian Affairs, Annual Report, 1911, p. 44.

<sup>12</sup> Area 14 on map.

<sup>13</sup> The agreement is not in the Statutes at Large, but may be found in Kappler, Vol. 1, p. 496.



General Miles with the understanding that the Indians would be returned to Idaho.<sup>34</sup> However, the government decided otherwise, and the Indians were sent to the Tongue River Reservation, then to Bismarck, to Fort Leavenworth, where they were located on a low river bottom,<sup>35</sup> to the Quapaw Reservation in 1878, and finally in 1879 under authority granted by the act of May 27, 1878 (20 Stat. L., 74), to a tract in the Cherokee Outlet.<sup>36</sup> Chief Joseph in 1879 gave the following interview which expresses some thoughts shared by persons of even greater experience.

At last I was granted permission to come to Washington and bring my friend Yellow Bull and our interpreter with me. I am glad we came. I have shaken hands with a great many friends, but there are some things I want to know which no one seems able to explain. I cannot understand how the government sends a man out to fight us, as it did General Miles, and then breaks his word. Such a government has something wrong about it. I cannot understand why so many Chiefs are allowed to talk so many different ways, and promise so many different things. I have seen the Great Father Chief (the President), the next Great Chief (Secretary of the Interior), the Commissioner Chief (Hayt),<sup>37</sup> the Law Chief (General Butler), and many other laws chiefs (Congressmen), and they all say they are my friends, and that I shall have justice, but while their mouths all talk right I do not understand why nothing is done for my people. I have heard talk and talk, but nothing is done. Good words do not last long unless they amount to something. . . . I am tired of talk that comes to nothing. It

<sup>34</sup> General Miles (*Serving the Republic*, p. 181), says: "it was my desire to send the Indians back to Idaho."

<sup>35</sup> The Commissioner of Indian Affairs in his report of 1878, p. xxxiii, comments on this location as follows: "Inspector McNeil reported that the camping place selected by the commandant for these Indians, and where he found them, was in the Missouri River bottom, about two miles above the fort, 'between a lagoon and the river, the worst possible place that could have been selected; and the sanitary condition of the Indians proved it.' The physician in charge said that 'one-half could be said to be sick, and all were affected by the poisonous malaria of the camp.' After the arrival of Joseph and his band in the Indian Territory, the bad effect of their location at Fort Leavenworth manifested itself in the prostration by sickness at one time of 260 out of the 410, and within a few months they had lost by death more than one-quarter of the entire number. A little care in the selection of a wholesome location near Fort Leavenworth would have saved much sickness and many lives."

<sup>36</sup> Area 11 on map.

<sup>37</sup> Commissioner of Indian Affairs.

makes my heart sick when I remember all the good words and all the broken promises. . . .

\* \* \* \*

I know that my race must change. We cannot hold our own with the white men as we are. We only ask an even chance to live as other men live. We ask to be recognized as men. We ask that the same law shall work alike on all men. If the Indian breaks the law, punish him by the law. If the white man breaks the law, punish him also.<sup>38</sup>

These Indians were returned to the Northwest in 1885 in accordance with authority granted in the act of July 4, 1884 (23 Stat. L., 90). On May 22, 1885, they relinquished to the United States, in trust for the benefit of such Indians as the government might see fit to locate thereon, all rights to the reservation in Indian Territory, which in the same year was assigned to the Tonkawas.<sup>39</sup>

*Ponca, 1877.* In 1876 the removal of the Poncas from their reservation in South Dakota was decided upon, and in 1877 they were marched to the Quapaw Agency, leaving the old reservation on May 21, and arriving at Quapaw Agency on July 9.<sup>40</sup> The agent in charge of removal aptly remarks:

I am of the opinion that the removal of the Poncas from the northern climate of Dakota to the southern climate of the Indian Territory, at the season of the year it was done, will prove a mistake, and that a great mortality will surely follow among the people when they shall have been here for a time and become poisoned with the malaria of the climate. Already the effects of the climate may be seen upon them in the *ennui* that seems to have settled upon each, and in the large number now sick.

It is a matter of astonishment to me that the Government should have ordered the removal of the Ponca Indians from Dakota to the Indian Territory without having first made some provision for their settlement and comfort. Before their removal was carried into effect an appropriation should have been made by Congress sufficient to have located them in their new home, by building a comfortable house for the occupancy of every family of the tribe. As the case now is, no appropriation has been made by Congress,

<sup>38</sup> Joseph, Chief of the Nez Percé. An Indian's view of Indian affairs, with an introduction by William H. Hare, Missionary Bishop of Niobrara, *North American Review*, Vol. 128, pp. 431-33 (April, 1879).

<sup>39</sup> 51 Cong. 1 sess., S. ex. doc. 78, p. 13.

<sup>40</sup> The daily journal of the agent in charge of the removal is given in Commissioner of Indian Affairs, Annual Report, 1877, pp. 97-99.

except of a sum but little more than sufficient to remove them; no houses have been built for their use, and the result is that these people have been placed on an uncultivated reservation to live in their tents as best they may, and await further legislative action.

The rainy season, which I am informed usually commences in this country from the 1st to the 15th of September, will soon be upon them, and before any appropriation can be made by Congress for the construction of houses, winter will have set in, and they will be obliged to remain in their tents until spring, which will be but a poor protection for their families against the elements.<sup>21</sup>

In 1878 the Poncas were again removed to the Cherokee Outlet<sup>22</sup> for which the Cherokees were paid \$48,349.46 under authority of the act of March 3, 1881 (21 Stat. L., 422). Allotments were made under the general allotment act of 1887 and, in order to divide all the land, additional allotments were made under the act of April 21, 1904 (33 Stat. L., 217), by which also the reservation lines were abolished and the tract became parts of three counties of Oklahoma.

*Iowa, 1879.* In 1836 the Iowa Indians were assigned to a reservation in northeastern Kansas, but about 1879 a portion of them emigrated to Indian Territory where they were placed on lands under the Ponca Agency. By the Executive order of August 15, 1883,<sup>23</sup> a permanent reservation was created for them<sup>24</sup> in the Creek cession. Provision was made for the sale of the old reservation by the act of March 3, 1885 (23 Stat. L., 351), but it was some time before the remainder of the tribe was removed to Indian Territory. Provision for allotment in severalty and opening of surplus lands was made in the agreement of May 20, 1890, ratified by the act of February 13, 1891 (26 Stat. L., 753), the surplus lands being opened to settlement September 22, 1891, under the proclamation of September 18, 1891 (27 Stat. L., 989).

*Otoe and Missouria, 1881.* Since about 1854 the Otoe and Missouria Indians had been located on a reservation on Big Blue River in southern Nebraska and northern Kansas, but by the act of March 3, 1881 (21 Stat. L., 380), this reservation was ordered

<sup>21</sup> *Ibid.*, p. 100.

<sup>22</sup> Area 12 on map.

<sup>23</sup> Kappler, Vol. 1, p. 843; Executive orders relating to Indian Reservations, 1855 to 1912, p. 143.

<sup>24</sup> Area 16 on map.

sold and the proceeds used for the purchase of a new home.<sup>25</sup> In the same year a tract in the Cherokee Outlet<sup>26</sup> was assigned to them and their removal was accomplished.<sup>27</sup> The lands were allotted in severalty under the general allotment act, and by the act of April 21, 1904 (33 Stat. L., 217), additional allotments were made and the remaining land divided among the Indians. The act of 1904 also abolished the reservation lines and attached the land to counties of Oklahoma.

*Tonkawa, 1884.* The last Indians to be assigned to a reservation in Indian Territory<sup>28</sup> were the Tonkawas, who were moved in 1884 from Texas to the Iowa Reservation and in 1885 to the tract vacated by the return of the Nez Percé to their old homes.<sup>29</sup> Allotments in severalty were made under the general allotment act in 1891, and by the agreement of October 21, 1891, ratified by the act of March 3, 1893 (27 Stat. L., 643),<sup>30</sup> the tribal lands were ceded to the United States, the Indians being paid \$30,600. The surplus lands were opened to settlement September 16, 1893, under the proclamation of August 19 (28 Stat. L., 1222).

*Indian Territory from 1885 to 1890.* The Indian Territory from 1885 to 1890 was divided among the Indians as indicated on the map facing page 130.<sup>31</sup> Tracts unassigned were as follows: (1) The

<sup>25</sup> Earlier acts relating to the sale of the Otoe and Missouri Reservation were those of June 10, 1872 (17 Stat. L., 392), August 15, 1876 (19 Stat. L., 208), and March 3, 1879 (20 Stat. L., 471). No steps for removal seem to have been taken under these earlier acts.

<sup>26</sup> Area 13 on map.

<sup>27</sup> 51 Cong. 1 sess., S. ex. doc. 78, p. 13.

<sup>28</sup> Geronimo and other Apache prisoners of war were later moved to the Fort Sill Military Reservation. (Area 19a on map.)

<sup>29</sup> Area 11 on map. 51 Cong. 1 sess., S. ex. doc. 78, p. 13.

<sup>30</sup> The agreement is not given in the act, but may be found in Kappler, Vol. 1, p. 495.

<sup>31</sup> A series of small sketch maps, showing the assignment of the land and the areas opened to settlement at various times is given in Buck's article on the Settlement of Oklahoma in the Transactions of the Wisconsin Academy of Sciences, Arts and Letters, Vol. 15, pt. 2, pp. 325-80. A set of ten large maps by George Rainey, published under the title "Oklahoma Historical Chart," shows the division of the state at various times, with one map showing the location of early roads and the routes of early explorers. Maps showing the cessions by the Indians in the other states, as well as Oklahoma, are given in Part 3 of the Nineteenth Annual Report of the Bureau of American Ethnology for 1897, in connection with the article by Cyrus Thomas on Indian Land Cessions in the United States.

land south and west of the North Fork of Red River<sup>22</sup> claimed by Texas, (2) an irregular area in the center of the Territory<sup>23</sup> known as Oklahoma, (3) a triangular tract between the Osage, Pawnee, and Creek land<sup>24</sup> and (4) the western portion of the Cherokee Outlet.<sup>25</sup> The Cheyennes and Arapahoes had been assigned to the western portion of the Outlet between the Arkansas and Cimarron Rivers, but had never occupied it, and a portion had been assigned to other tribes.

Notwithstanding the efforts that had been made to form a separate Indian state, repeated and determined attempts were made after 1879 to open Indian Territory to settlement. This movement ranged from propaganda to the actual invasion of the territory in defiance of law. Presidential proclamations had been hurled against the invaders, and time and again the settlers were ejected by troops.<sup>26</sup> The propaganda had this much justification, that there were large areas unoccupied by Indians and that the land assigned to the Indians was disproportionate to their numbers. But to no part of the unassigned area did the United States have a title in fee. Under the agreement with the Cherokees the land in the Outlet could be purchased only for the settlement of Indians; the land southwest of the North Fork of the Red River had been ceded unconditionally by the Choctaws and Chickasaws, but the title was clouded by reason of the claims of Texas to both ownership and jurisdiction.

The first legal step taken was an appropriation in the Indian appropriation act for 1886, approved March 3, 1885 (23 Stat. L., 384), to enable the President "to open negotiations with the Creeks, Seminoles, and the Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands." Negotiations were started with the Indians, but no action was taken until the end of the Fiftieth Congress in 1889, when three bills of particular moment were enacted. The first of these, approved on March 1, (25 Stat. L., 757), ratified an agreement with the Creeks for the absolute cession of all their interest in the lands ceded in 1866 for a consideration of \$2,280,857.10. This gave the United States

<sup>22</sup> Area 22.

<sup>23</sup> Area 23.

<sup>24</sup> Area 24.

<sup>25</sup> Area 25.

<sup>26</sup> See Gittinger, *op. cit.*, and Buck: Settlement of Oklahoma.

a title in fee to the portion of the Oklahoma district <sup>37</sup> north of the North Canadian River, and the reversionary rights to the reservations set aside for the Sacs and Foxes, Iowas and Kickapoos,<sup>38</sup> to the northeast corner of the Cheyenne and Arapaho Reservation <sup>39</sup> northeast of the North Canadian, and the portion of the Pawnee Reservation <sup>40</sup> south of 36° 10'.

By the third bill, passed on March 3 (25 Stat. L., 1004), provision was made for acquiring what rights the Seminoles retained in the cession made in 1866, the consideration being \$1,912,942.02. This gave the United States title in fee to the portion of the Oklahoma district <sup>41</sup> south of the North Canadian, and a reversionary interest in the Potawatomie Reservation <sup>42</sup> and the portion of the Cheyenne and Arapaho Reservation <sup>43</sup> between the Canadian River and the North Canadian.<sup>44</sup> It was provided that the lands acquired under these two acts should be opened to homestead entry after proclamation by the President. The act of March 3 also provided for a commission to negotiate further with the Cherokees for the lands in the Cherokee Outlet.

The second act, which was approved on March 1 (25 Stat. L., 783), provided for the establishment of a United States court in the Indian Territory, and for the first time defined the boundaries of the territory.

While Congress had provided a court for the Indian Territory, it had made no provision for any other civil government for the lands to be opened. Nevertheless, the lands in the Oklahoma district <sup>45</sup> were opened to settlement on April 22, 1889, under the proclamation of March 23 (26 Stat. L., 1544).<sup>46</sup> It should be noted that this district was entirely surrounded by Indian lands.<sup>47</sup>

<sup>37</sup> Area 23 on map.

<sup>38</sup> Areas 15, 16, and 17, respectively.

<sup>39</sup> Area 21.

<sup>40</sup> Area 14.

<sup>41</sup> Area 23.

<sup>42</sup> Area 18.

<sup>43</sup> Area 21.

<sup>44</sup> The Seminoles assented to this proposal on March 16, Gittinger, *op. cit.*, p. 153.

<sup>45</sup> Area 23.

<sup>46</sup> In all the openings certain sections were reserved for public buildings and for the benefit of schools and other educational institutions.

<sup>47</sup> For an account of the picturesque incidents connected with this opening see Gittinger, *op. cit.*, and Wicks, *The Opening of Oklahoma, Cosmopolitan*,

*Creation of Territory of Oklahoma, 1890.* The Territory of Oklahoma was created by the act of May 2, 1890 (26 Stat. L., 81). By this act it included all of the former Indian Territory except the lands under the Quapaw Agency,<sup>48</sup> the portion occupied by the Five Civilized Tribes,<sup>49</sup> the unoccupied land in the Cherokee Outlet,<sup>50</sup> and the Public Land Strip.<sup>51</sup> As a portion of the southern and western boundary was in dispute with Texas, the status of the area southwest of the North Fork of Red River<sup>52</sup> was unsettled. It was provided that the unoccupied lands in the Cherokee Outlet should become a part of the territory when the Indian title was extinguished. Nominally, the area of the territory was greater than was the fact, as the entire region except the Oklahoma district<sup>53</sup> was included in reservations which had not been opened to settlement. The area of the diminished Indian Territory was not defined, but by elimination it became the tract under the Quapaw Agency and the lands of the Five Civilized Tribes. Indian Territory continued to have this extent until it was absorbed in the State of Oklahoma in 1907.

*Opening of Indian Lands in Oklahoma Territory, 1891 and Thereafter.* The first addition to the original area available to settlers was made by the proclamation of September 18, 1891 (27 Stat. L., 989), by which the surplus lands in the Iowa, Sac and Fox, and Potawatomi reservations<sup>54</sup> were opened to settlement on September 22, 1891. In 1892 the surplus lands in the Cheyenne and Arapaho Reservation<sup>55</sup> were opened to settlement on April 19, under the proclamation of April 12 (27 Stat. L., 1018).

In the meantime negotiations had been conducted with the Cherokees for the purchase of their rights in the Outlet and an agreement had been made with them on December 19, 1891, ratified by the act of March 3, 1893 (27 Stat. L., 640), by which they

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Vol. 7, p. 460, September, 1889. The official reports of the army officers who had charge of the maintenance of order are given in 51 Cong. 1 sess., S. ex. doc. 72.

<sup>48</sup> Area 1.

<sup>49</sup> Areas 2 to 7.

<sup>50</sup> Areas 24 and 25.

<sup>51</sup> Area 26.

<sup>52</sup> Area 22.

<sup>53</sup> Area 23.

<sup>54</sup> Areas 15, 16, and 17.

<sup>55</sup> Area 21.

ceded all their rights to the United States for a consideration of \$8,595,000. The Cheyennes and Arapahoes also had certain rights in the Outlet,<sup>86</sup> which had been extinguished by the agreement of October, 1890, ratified by the act of March 3, 1891 (26 Stat. L., 1022). Cessions of the surplus lands of the Tonkawas<sup>87</sup> had been made by the agreement of October 21, 1891, and of the Pawnees by the agreement of November 23, 1892, both ratified by the act of March 3, 1893 (27 Stat. L., 643). Accordingly, on August 19, 1893, the President issued a proclamation (28 Stat. L., 1222), opening to settlement on September 16, 1893, all the land in the Cherokee Outlet except that occupied by the Osages, the Kansas, the Poncas, the Otoes and Missouriias,<sup>88</sup> and certain saline reserves which have been leased by the Cherokees.

The surplus lands in the Kickapoo Reservation<sup>89</sup> were opened to settlement on May 23, 1895, under the proclamation of May 18 (29 Stat. L., 868).

The area southwest of the North Fork of Red River<sup>90</sup> was determined to belong to Oklahoma by the decision of the Supreme Court of March 16, 1896.<sup>91</sup> Section 25 of the act of 1890, creating the Territory of Oklahoma, had specifically provided that this area should not be considered a part of Oklahoma until the title was definitely established. On March 16, 1896 (29 Stat. L., 878), after the decision of the Supreme Court, the President withdrew all the land from settlement in order to preserve the rights of persons who had settled on the land under the belief that the area belonged to Texas and also to preserve "the status of said lands intact" until the claims of the Choctaws had been finally adjudicated, as the Choctaws had been given the right to sue the United States in the Court of Claims. On May 4, 1896 (29 Stat. L., 113), an act was approved making this tract a part of Oklahoma, and on January 18, 1897 (29 Stat. L., 490), without waiting for the decision of the Supreme Court regarding the Choctaw claims,<sup>92</sup> an

<sup>86</sup> See pages 109-111.

<sup>87</sup> Area 11.

<sup>88</sup> Areas 8, 9, 12, and 13, respectively.

<sup>89</sup> Area 17.

<sup>90</sup> Area 22.

<sup>91</sup> *United States v. Texas*, 162 U. S. 1.

<sup>92</sup> This decision was not rendered until December 10, 1900. See page 104.



act was passed to quiet the titles of the settlers, and declaring the unoccupied lands open to entry under the homestead laws.<sup>88</sup>

The last lands to be opened were those of the Wichitas<sup>89</sup> and the Kiowas, Comanches, and Apaches,<sup>90</sup> which became available on August 6, 1901, under the proclamation of July 4 (32 Stat. L., pt. 2, 1975). Within the limits of the Territory of Oklahoma there still remained four reservations—the Kansas, the Ponca, the Otoe and Missouri, and the Osage—which had not been assigned to counties and given administration under territorial laws. The Kansas, Ponca, Otoe, and Missouri Reservations were assigned to counties by the act of April 21, 1904 (33 Stat. L., 217). The Osage Reservation became a separate county under the statehood act of June 16, 1906 (34 Stat. L., 277). There were no surplus areas to be opened to settlement in these reservations, as the lands had all been divided among the Indians, but there were many white people in them who leased land from the Indians or purchased it from those having patents in fee.

*Indian Territory in 1890.* The administrative problems relating to Indian affairs in the Territory of Oklahoma after 1890 were not essentially different from those in other states and territories, and will not be considered further. But in the diminished Indian Territory all of the land, with the exception of the small tract in the northeast corner under the Quapaw Agency<sup>91</sup> was occupied by the Five Civilized Tribes. These Indians had not a mere right of occupancy, but a patent to the land, the ownership being vested in each tribe, and the land being held in common, the title reverting to the United States if the tribe should become extinct, notwithstanding the fact that this area was Indian country. The Indians according to the Census of 1890 numbered only 51,279 persons.

As the Indians under the Quapaw Agency were relatively unimportant, both as regards number and problems of administration, the discussion will be confined to the Five Civilized Tribes. Among the Five Civilized Tribes the negroes were practically all former

<sup>88</sup> These lands were opened on June 24, 1897, without any special proclamation, the opening being effected by instructions to the local land office from the Commissioner of the General Land Office, approved by the Secretary of the Interior.

<sup>89</sup> Area 20.

<sup>90</sup> Area 19.

<sup>91</sup> Area 1.

slaves, or freedmen, who under the treaties of 1866 were to be accorded the rights of Indians by blood; the negroes should then be regarded as part of the native population. The proportion of whites ranged from 6 per cent in the Seminole Nation to 84 per cent in the Chickasaw Country, with 18 per cent for the Creeks, 52 per cent for the Cherokees, and 65 per cent for the Choctaws. It is true that some of these whites had been adopted into the tribes or claimed citizenship, and it is also true that probably some Indians of less than half blood were returned as white. In 1894 Senator Dawes stated that the population of the Territory included 50,000 Indians and 300,000 white people.<sup>67</sup>

POPULATION OF INDIAN TERRITORY, 1890

Tribes	Total	Indians	Whites	Negroes	Chinese
Quapaw agency .....	1,281	1,224	57	0	0
Cherokee .....	56,309	22,015	29,166	5,127	1
Chickasaw .....	57,329	5,223	48,421	3,676	9
Choctaw .....	43,808	11,057	28,345	4,406	0
Creek .....	17,912	9,999	3,289	4,621	3
Seminole .....	2,739	1,761	172	806	0
Military reservations .....	804	0	*804	0	0
Total .....	180,182	51,279	110,254	18,636	13

\* Includes also negroes.

It should be remembered that these tribes were not under the supervision of the United States; they were the "domestic dependent nations" so well described in Marshall's decision.<sup>68</sup> With the exception of the Seminoles all had written and printed constitutions and laws, with legislative bodies, courts, and systems of education for Indians only. The Indians paid no taxes, either to the United States or to their tribal government, their governmental revenues being derived from the interest on their trust funds, rents from tribal lands, and permits for white persons to reside or do business in the Territory. The land belonged to each tribe in common, and no person, white or Indian, had a fee simple title to a foot of land. The right of individual occupancy was recognized,

<sup>67</sup> Lake Mohonk Conference, Proceedings, Vol. 12, p. 28 (1894).

<sup>68</sup> Cherokee Nation v. Georgia, 5 Peters 17 (1831).

but, as will be shown below, the proceeds from great tracts of land inured to the benefit of the few. The educated Indian, largely of white blood, had taken a page from the white man's book and had often applied its teachings to his own profit, regardless of whether his gain was at the expense of red or white. Then, as now, the Five Tribes showed probably the greatest range in social condition ever known in any supposedly homogeneous community. At the bottom was the full-blood blanket Indian, just emerging from savagery, poor, dirty, ignorant, unable to speak English, eking out a miserable existence in some secluded valley, far from the paths of civilization and progress. At the top was the mixed-blood landed, governing class, keen business men and shrewd politicians, often educated in eastern colleges, refined, living in towns or on large estates and taking full advantage of the comforts, luxuries, and amenities of modern civilization. The conditions existing at that time were summarized by Ex-Senator Dawes, Chairman of the Five Tribes Commission, as follows:

. . . They made an arrangement that any Indian who chose could surround with a fence any portion of the unoccupied land he pleased, and could then go up into Kansas or Missouri and hire a white man to come and work it for him, if he would pay a dollar a month into the treasury for taxes. So there came to be invited in one way or another, and by the building up of the towns, a great many white people. There came by absolute necessity merchants and storekeepers and warehouse men and others till the result has been, in spite of the covenant of the United States to keep white men out of that Territory, and on the part of the Indians that they should keep this land exclusively for the common enjoyment of every Indian, the condition of things which we find there to-day. A few of them have appropriated everything that is worth anything in the Territory. Of the 50,000 Indians, about one-half are mixed blood. In the Creek Nation they are mixed largely with the Negro, and in the other nations with the white. The mixed bloods are educated. They are keen, able, enterprising business men, and politicians withal as shrewd as the shrewdest in the States. The full-bloods are making no progress toward civilization. Indeed, the whole aspect of things there with them, I am sorry to say, is no better than it was ten or fifteen years ago, when I was first there. The full-bloods are crowded out. The mixed-bloods have taken possession of the governments. They hold the power as absolutely over the full-bloods as the white man in the Southern

country before the war held the whole power over the poor slave. The full-blood in the Indian Territory to-day is as helpless, as hopeless, as was the poor black or the poor white man in the South before the war. Mixed-bloods have all the power in their hands, and have appropriated everything for their own benefit.

Let me give you an illustration. The Creek Nation has 3,000,000 acres of land. They have sold to the United States every foot of land which they could spare, and divided nearly all the proceeds *per capita* among themselves. They had a good time as long as the money lasted; and, when they could sell no more to the United States, they passed a law in their assembly two years ago that any Creek Indian could appropriate to himself just as much unoccupied land as he could find and fence in by paying a nominal rent to the treasury of the Creek Nation, and this with authority to sublet it to whom he pleased and have what price he pleased.

What has been the effect? Out of 3,000,000 acres, within two years sixty-one Indians have appropriated 1,000,000 acres, and have sublet it to Texas cattlemen for from 25 cents to \$1.50 an acre; and these are the men who hold the power. An ex-chief is one of those named in the leases. Two sons of another are of another company. Another high officer has his hand in it; and we were told that the members of the council which passed the law had parcelled out on paper their share, and that the poor colored members under the law so enacted were frozen out, and did not get any. So they told the story. That is more than one-third of the whole territory. That has gone on rapidly till probably there is not an acre of valuable grazing land that has not a barbed wire fence around it to-day, though they covenanted that every individual Indian should have just as much right in every acre as any other. And the poor fellows, the full-bloods, away out on the mountains, get a scanty living, with no prospect of bettering themselves or of knowing what is the matter.

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There are 300,000 white people in this condition. They have about 30,000 school children, and not a public school in the Indian Territory is open to one of them. They are growing up in absolute and abject ignorance, unless their parents are able to maintain a private school out of their own pocket. They are permitted to enter the schools of none of those Five Civilized Tribes, as we call them. Every year brings lines of those children into the age of majority, and without any education to fit them for citizenship or the business of life, to preserve them from the disastrous deviations from virtue, or to preserve law and order.

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I have spoken of the courts. I heard stories there about these courts. One man told me that in his own case he could have had

judgment for \$300, but he would not pay money for a judgment, as the right was on his side. His friends told him that he had better pay it than lose the case. "I happened," said he, "to be foolish enough to think that the idea of justice prevailed in our courts; and I refused, and the judge gave judgment for my opponent." This man appealed to a higher court, and word was sent to him that, if he would pay his money, the judgment would be reversed. That is an illustration of cases represented to us to be not infrequent.

The ablest man I ever saw in the Indian Territory, a well-educated man, has in him the blood of a distinguished white man in the States, an Indian nobleman, and we were told some Negro blood besides. He is a nabob. I had known him in Washington. He showed me his stud of blooded horses, and took me in a carriage behind two Kentucky thoroughbreds, and showed me every point of interest. I asked him about the colored people; and he spoke very well of them, but talked of the corruption of which I have spoken as a common thing. He sees the handwriting on the wall; but it is for his interest to put it off as far as possible, and so he violently opposes any change.

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This condition of things is as certain to pass away as that the sun will rise to-morrow morning. The only question is, How shall it pass away? The President of the United States created this commission to go down and advise these people that they had better themselves make the change. Unless they succeed, one of two things is certain to come in the near future. The United States will at an early period, by legislation, take it out of their hands and dispose of it as they see fit, or it will break up in some violent war of race or in blood. The work is attended with difficulties beyond comparison. I had no conception of it when I went down there, any more than I had of the real condition of things. I had lived under the belief that they were almost a pattern people down there. I had been told that there was not a child of school age but had open to him the doors of the free school, that there was not a pauper there, and that every one of them had his share in the common rights. I have stood in Congress against attempts to encroach upon their treaty rights, and perhaps I was sent down there because they knew how I felt in reference to it. But I have seen that the original purpose of the government has failed because both sides have departed from the original covenant. It has been impossible for either side to keep it. They could no more stop this overflow of the white people upon that Territory than they could stop the flow of Niagara. It was irresistible. Something else must take the place of the old arrangement; and this fair and honest



offer of the government to them is that they should take the matter into their own hands, and themselves make the change."

*The Dawes Commission, 1893.* To remedy these conditions Congress in section 16 of the Indian appropriation act for 1894, approved March 3, 1893 (27 Stat. L., 645), provided for the appointment of three commissioners to negotiate with the Five Civilized Tribes for the extinguishment of the tribal title and the allotment of lands in severalty." Ex-Senator Dawes of Massachusetts was appointed chairman of this Commission, which was generally known as the Dawes Commission. It reported directly to the Secretary of the Interior and the Office of Indian Affairs had nothing to do with its work. By the act of March 2, 1895 (28 Stat. L., 939), the number of commissioners was increased to five. The Commission as constituted at that time had no administrative powers, its work being limited to two fields: a change in method of land ownership and the abolition of the tribal governments.

At first the Commission was successful in neither of these. On June 10, 1896 (29 Stat. L., 339), the scope of the work of the Commission was enlarged by an authorization and direction to "hear and determine the application of all persons who may apply to them for citizenship in any of said nations," and the Commission was required to file the list of tribal members with the Commissioner of Indian Affairs "for use as the final judgment of the duly constituted authorities." " This evidently looked to allotment

\*Lake Mohonk Conference, Proceedings, Vol. 12, pp. 29-34 (1894). Details are given in the first two reports of the Commission to the Five Civilized Tribes, published as S. misc. doc. 24, 53 Cong. 3 sess., and S. doc. 12, 54 Cong. 1 sess.

"This was the first of several hundred acts enacted for closing out the affairs of these Indians. Only the most important will be referred to in this monograph. All the laws relating to the Five Civilized Tribes enacted from 1890 to 1914 are in the volume entitled "Laws relating to the Five Civilized Tribes in Oklahoma, 1890 to 1914," printed by order of the House Committee on Indian Affairs, Sixty-third Congress, third session.

"This act allowed an appeal to the United States courts of the territory, and a later act, that of July 1, 1902 (32 Stat. L., 648), ratifying the agreement with the Choctaw and Chickasaw Nations, established a special court, known as the Choctaw and Chickasaw Citizenship Court, to determine citizenship cases for these nations. Regarding the power of Congress to empower the Dawes Commission to make a final roll, the Supreme Court in 1899 in *Stephens v. Cherokee Nation* (174 U. S. 488), said:

"We repeat that in view of the paramount authority of Congress over the Indian tribes, and of the duties imposed on the Government by their

in severalty, and the change in the existing order was forecast by another paragraph in the same act stating that "It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory and afford needful protection to the lives and property of all citizens and residents thereof" (29 Stat. L., 340). A year later, on June 7, 1897 (30 Stat. L., 83), a paragraph in the Indian appropriation act provided that after January 1, 1898, the United States courts should have original and exclusive jurisdiction in both criminal and civil cases.

*The Curtis Act, 1898.* It had become evident that the Five Tribes were not inclined to take any action to remedy conditions in the territory, and accordingly there was approved on June 28, 1898 (30 Stat. L., 495), the law generally known as the Curtis Act, which is the basis of all later legislation relating to the affairs of these Indians. The main features of this act were the following:

The allotment of land in severalty by the Dawes Commission, reserving the mineral rights for the benefit of the tribe

The leasing of tribal lands by the Secretary of the Interior<sup>12</sup>

The incorporation of cities and towns, the survey of town sites, and the sale of town lots to the lessees at half their appraised value

The prohibition of any payment of money to the tribal governments, and provision for making per capita payments directly to the individuals

Provision for the payments of all rents and royalties into the Treasury of the United States to the credit of the tribe

The enlargement of the power of the United States courts and the abolition of tribal courts

*Agreements with the Indians, 1897 to 1902.* The Curtis Act conferred on the Commission to the Five Civilized Tribes power to

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condition of dependency, we cannot say that Congress could not empower the Dawes Commission to determine, in the manner provided, who were entitled to citizenship in each of the tribes and make out correct rolls of such citizens, an essential preliminary to effective action in promoting the best interests of these tribes. . . . The lands and moneys of these tribes are public lands and public moneys, and are not held in individual ownership, and the assertion by any particular applicant that his right therein is so vested as to preclude inquiry into his status involves a contradiction in terms."

<sup>12</sup>As regards the power to lease the tribal lands, the Supreme Court in 1902 in *Cherokee Nation v. Hitchcock* (187 U. S. 308), said: "The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts."



make allotments in severalty without any reference to formal agreements with the several tribes, but, as a matter of fact, allotments were made only after agreements had been ratified by Congress and the tribes. The Indians themselves had seen the handwriting on the wall, and agreements had been made with the Choctaws and Chickasaws on April 23, 1897, with the Creeks on September 27, 1897, and with the Seminoles on December 16, 1897. The Choctaw-Chickasaw and the Creek agreements were embodied in the Curtis Act, subject to ratification by a general vote of the members of the tribe. The Choctaws and Chickasaws confirmed the agreement on August 24, 1898, but the Creeks rejected it. The agreement with the Seminoles was ratified by Congress in the act of July 1, 1898 (30 Stat. L., 567).

A new agreement with the Creeks was made on March 8, 1900, and ratified by the act of March 1, 1901 (31 Stat. L., 861), the amendments made by Congress being confirmed by the Creeks on May 25, 1901. A supplemental agreement with the Creeks was ratified by the act of June 30, 1902 (32 Stat. L., 500), confirmed by the Creeks on July 26, 1902, and proclaimed by the President on August 8, 1902. A supplemental agreement with the Choctaws and Chickasaws, made March 21, 1902, was ratified by the act of July 1, 1902 (32 Stat. L., 641), and confirmed by the tribes on September 25, 1902. As in the removal to the west over a half a century before, the Cherokees were the last to accept the new conditions, an agreement with this tribe contained in the act of July 1, 1902 (32 Stat. L., 716), being ratified by the Indians on August 7, 1902, and proclaimed by the President August 12, 1902.

*Size of Allotments.* All of the laws cited above were supplemental to the Curtis Act and made specific provision for allotment in severalty and the disposition of the mineral rights and surplus lands in the several nations. The allotments provided by these agreements were as follows:

In the Choctaw and Chickasaw Nations each member, except freedmen, was to receive "land equal in value to 320 acres of the average allottable land," out of which 160 acres were to be designated as a homestead, which was to be inalienable during the life of the allottee, but not beyond twenty-one years from the date of the certificate of allotment. Lands not included in the homestead were to be alienable for one-fourth of the acreage in one year, one-fourth

in three years, and the balance in five years from the date of patent. Each freedman was to be allotted "land equal in value to forty acres of the average allottable land," which was inalienable during the lifetime of the allottee, but not for a period longer than twenty-one years. Under the original agreement with the Choctaws and Chickasaws all allotted lands were to be nontaxable while the title remained in the original allottee (30 Stat. L., 507).

The Seminole agreement provided for the division of the land into three classes to be appraised at \$5, \$2.50, and \$1.25 per acre, and for allotments so that each member should have an equal share of the land in value. As this worked out, it gave each member an average of 120 acres. Each allottee was required to designate a tract of forty acres, which was "made inalienable and nontaxable as a homestead in perpetuity."

The allotments in the Creek Nation were to be 160 acres, valued at \$6.50 an acre, which was to be the standard value of an allotment; in other words, the allottee was to receive land having an appraised value of \$1040. If the appraised value of the original allotment was less than \$1040, he was entitled to select additional land in order to give him his proper share. If his 160 acres were valued at more than that amount, he was allowed to pay for the excess value or to have the excess charged against his share of the tribal funds. A homestead of forty acres was to be selected by the allottee and was to be "nontaxable and inalienable and free from any incumbrance whatever for 21 years." The remaining land was inalienable for five years, except with the approval of the Secretary of the Interior.

In the Cherokee Nation the allotments were to be 110 acres of the average allottable land on the basis of the appraisal to be made by the Dawes Commission. Provision was made for a homestead of forty acres, which was to be inalienable and nontaxable during the life of the allottee, but not for a longer period than twenty-one years.

In the Seminole, Creek, and Cherokee Nations the freedmen received the same allotments as the Indians by blood. All of the agreements contained provisions for certain reservations, the establishment of town sites, the sale of town lots, the leasing of tribal lands and the disbursement of tribal moneys under the direction of the Secretary of the Interior. They all modified the Curtis Act by

providing that the mineral rights should be allotted in severalty with the land.

*The Work of Closing Tribal Affairs.* The closing of the tribal affairs of the Five Civilized Tribes involved among other tasks, two duties of great magnitude: The preparation of a correct tribal roll and division of the land among the members according to the varying provisions of the separate agreements. Applications for enrollment were received from about 250,000 persons in all parts of the United States, but the final rolls contained the names of approximately 101,000, of whom about one-fourth were full blood, one-half mixed blood or intermarried whites and one-fourth freedmen. As the allotment was largely dependent on the value of the land, it was necessary to classify and appraise over nineteen million acres of land, divided into forty-acre tracts. Other work included the placing of the allottees on the land, the removal of intruders, the surveying and platting of 308 towns, and the sale of all surplus land and the division of the proceeds among the members of the several tribes.

*Citizenship and Removal of Restrictions, 1901 to 1904.* By the act of March 3, 1901 (31 Stat. L., 1447), citizenship was conferred on all Indians in the Indian Territory, but this act did not in any way affect the property of the allottees. Hardly had the ink become dry on the patents of the allottees before movements were started to remove the restrictions on the alienation of allotments. A clause in the Indian appropriation act for 1905, approved April 21, 1904 (33 Stat. L., 204), removed restrictions from all lands allotted to persons not of Indian blood, except homesteads and those of minors, and allowed the Secretary of the Interior to remove the restrictions on lands of other Indians, except those of minors and those held as homesteads. In 1906 the entire school system was taken over by the Office of Indian Affairs under the provisions of the act of April 26 (34 Stat. L., 140), there having been from 1898 to 1906 a system of dual control exercised by the Indian Service and the tribal governments.

*Admission of Oklahoma and its Results, 1907-1908.* In the meantime the question of statehood for Oklahoma, for Indian Territory, or for the two combined had become a matter of agita-

tion."<sup>18</sup> Finally, on June 16, 1906 (34 Stat. L., 267), an act was passed allowing the people of Oklahoma and Indian Territory to form a constitution and state government, but the act specifically provided that nothing in the constitution of the new state should "be construed to limit or impair the rights of persons or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never been passed." The constitution adopted by the convention was ratified by the people on September 17, 1907, and on November 16, 1907, the President issued a proclamation declaring that Oklahoma was a state (35 Stat. L., pt. 2, 2160).<sup>19</sup>

The consolidation of the Territory of Oklahoma and the Indian Territory had little immediate effect on the land and property of the Five Civilized Tribes, but the ultimate results were far reaching, although they probably would not have been materially different if Indian Territory had been erected into a separate state. One of the first results was the removal of restrictions on the alienation of land. By Section 1 of the act of May 27, 1908 (35 Stat. L., 312), the status as regards restrictions was declared to be as follows:

. . . All lands, including homesteads, of said allottees enrolled as intermarried whites, as freedmen, and as mixed-blood Indians having less than half Indian blood including minors shall be freed from all restrictions. All lands, except homesteads, of said allottees, enrolled as mixed-blood Indians having half or more than half and less than three-quarters Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood, including minors of such degrees of blood, and all allotted lands of enrolled full-bloods, and enrolled mixed-bloods of three-quarters or more

<sup>18</sup> For a discussion of the several proposals see Gittinger, *op. cit.*, pp. 196-214.

<sup>19</sup> No opportunity was given to the citizens of the two territories to vote on separate statehood. The same act provided for the admission of New Mexico and Arizona, as one state or as two states if a majority of the citizens of the two territories should so vote.

Indian blood, including minors of such degrees of blood, shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April twenty-sixth, nineteen hundred and thirty-one, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this act. . . .

The purpose of this legislation was two-fold—to place Indian land on the market and to provide for taxation, section 4 of the same act specifically providing that all land from which restrictions were removed should be subject to taxation. The separation of the Indian from his land was accomplished, but the taxation of the land was defeated by the decision of the Supreme Court holding that exemption from taxation was a vested right which could not be disturbed by statute, while nonalienability was a limitation which could be removed.<sup>78</sup> One result of this decision was increased appropriations by Congress of funds for the benefit of schools in Oklahoma.

Section 6 of the act of May 27, 1908, also provided that the property of minor allottees of the Five Civilized Tribes should be subject to the jurisdiction of the probate courts of the State of Oklahoma. The administration of these estates by the local probate courts has resulted in much loss to the Indians.<sup>79</sup>

*Administration, 1898 and Thereafter.* The passage of the Curtis Act marked the beginning of active administration of the affairs of the Five Civilized Tribes by the Office of Indian Affairs. An agent for the Five Tribes had been stationed at Muskogee for some years, but his duties were not the same as those of other agents, by reason of the self-government exercised by these tribes. The Commission to the Five Civilized Tribes was originally purely for purposes of negotiation, and it reported to the Secretary of the Interior. After the passage of the Curtis Act, its reports were transmitted through the Office of Indian Affairs. As the functions

<sup>78</sup> Choate v. Trapp, 224 U. S. 665 (1912).

<sup>79</sup> See page 172.

of the tribal governments were gradually assumed by the United States and as the work of the Commission became more strictly of an administrative character, the work of the Indian Office among the Five Tribes became more and more of the same general character as in other states, differing, however, in degree.

The Curtis Act provided that the Secretary of the Interior might appoint an Inspector to represent him, and for some years there were three units dealing with the affairs of these Indians—the Commission, the Indian Inspector for Indian Territory, and the Agent at the Union Agency in Muskogee. The act of April 21, 1904 (33 Stat. L., 204), provided for the discontinuance of the Commission to the Five Civilized Tribes on July 1, 1905, and the act of March 3, 1905 (33 Stat. L., 1060), made it the duty of the Secretary of the Interior to complete the unfinished business of the Commission and conferred on him all powers previously granted to the Commission. The Secretary appointed a "Commissioner to the Five Civilized Tribes" to represent him in this work, and after June 30, 1907, this Commissioner also performed the duties previously exercised by the Inspector. From 1907 to 1914 the affairs of the Five Civilized Tribes were administered by the Commissioner to the Five Civilized Tribes and the Superintendent of the Union Agency. By the act of August 1, 1914 (38 Stat. L., 598), these two officers were legislated out of office effective September 1, 1914, and provision was made for a Superintendent for the Five Civilized Tribes, to be appointed by the President by and with the advice and consent of the Senate. This legislation made the office a political one.

*Present Status of Affairs of the Five Civilized Tribes.* No radical changes have marked the progress of Indian affairs in the counties occupied by the Five Civilized Tribes during recent years. The tribal governments have been discontinued and practically all tribal affairs have been closed out except the disposal of the tribal lands of the Choctaws and Chickasaws. The tribal funds have been distributed per capita until on June 30, 1926, there remained in the Treasury only \$638,218 to the combined credit of the Five Civilized Tribes. The work at present is confined to the education of the Indians and the care of the property rights of the restricted allottees. These rights are important and extensive, as is shown by the fact that almost four million dollars was collected during the

fiscal year 1923 from royalties on oil and gas alone. All restrictions on alienation will expire in 1931 unless there is additional legislation, and in view of this fact, some quotations illustrating the conditions will be of interest. In 1915 Rev. F. K. Brooke, Protestant Episcopal Bishop of Oklahoma, spoke as follows: "

The Episcopal Church has done little missionary work directly for Indians in Oklahoma. When I come east, I am always being asked, "What are you doing for the Indians?" And I always have to answer, "Nothing very directly." The Baptists and the Presbyterians and the Congregational brethren have done a great deal; almost all the ground is covered.

We are doing the best we can for the Indians living in our territory, by doing missionary work among the white people. We are teaching the white people to be decent, honest, upright, unselfish and square in dealing with the Indians; that is the most important work we have and the most precious part of the work. We want the white man to treat the Indians fairly. This is difficult, as the policy has always been to grab everything possible from the Indians, and it was considered perfectly legitimate. The white men have been very selfish and thought only of getting on themselves; they didn't regard the rights of the Indians. The Indians are weaker, less well taught; and unless their rights can be guarded by Federal power—and I agree with what Mr. Valentine said about this—better organized and constantly continued, they can't be trusted to the tender mercies of the authorities of the State. It is true that there are thousands of people doing missionary work among the Indians, directly or indirectly, but it is also true on the other hand, that there are people who are interested in the Indians chiefly for what they can get out of them. The most important thing, to my mind, as well as the most difficult thing, is how we are going to work under State authority without friction; how can we get the coöperation of the State authorities and the Federal authorities?

In 1921, Rev. Samuel A. Eliot, a member of the Board of Indian Commissioners, visited the Five Tribes country, and among other things reported as follows: "

No one can study Indian affairs in eastern Oklahoma without a sense of approaching disaster. In carrying out a policy that is immediately popular but essentially shortsighted we are inviting

" Lake Mohonk Conference, Proceedings, Vol 33, p. 74 (1915).

" Board of Indian Commissioners, Annual Report, 1921, pp. 36-37.

consequences which will not only mean deprivation and suffering to the Indians, but also increase taxes and burdens of charity for the white citizens of Oklahoma. You cannot turn loose thousands of landless and illiterate people in the midst of a modern American state without trouble.

The disbursal of the tribal funds of the Five Civilized Tribes means a legacy of illiteracy and destitution to the Indians and a heavy burden of future care for the state and Nation. Already, the Cherokee fund has disappeared and in consequence there are hundreds of Cherokee children who are getting no education. The school for Cherokee orphans, formerly supported from the tribal fund, is now conducted by direct Government appropriations. The Creek and the Seminole funds are perilously near to extinction. One of the Seminole schools has already been closed. The Choctaws and Chickasaws are better off, but if the present policy is continued the same fate is in store for these hapless people.

It is no excuse or explanation to say that the policy of disbursing the tribal funds in individual payments is in accordance with the wishes of the Indians themselves, and the desire of the white voters of Oklahoma. Of course, it is. Indians are proverbially and temperamentally improvident. They have always been thriftless and disposed to say that any one who remembered that winter was coming was mean and stingy. They have for generations lived from hand to mouth. The idea of educating children so that they can earn a living is alien to their tradition. Of course, they want their money now in order to spend it for a good time.

With the white voter the motive is different but the result is the same. They want the Indian to have his money so that the white man can take it away from him, something that it is absurdly easy to do. "Why," they say, "should those funds be tied up in Washington as security for the future education and protection of the Indians? The Indians want to spend the money and their white neighbors are quite ready to receive it, so let her go."

I submit that it is the function of a guardian to guard. Because the ward is incompetent and childish and because his neighbor is anxious to profit by his inexperience, does not relieve a trustee from responsibility. Rather it ought to make the trustee take his obligation the more seriously. If what remains of the tribal funds is not preserved and used for the maintenance of the schools then either a considerable number of these Indians will become a lot of ignorant and helpless paupers or else the schools will have to be supported by the tax payers through gratuity appropriations. Every argument of common sense, humanity, and self-interest cries out conserve what is left of the tribal funds and apply it to the support and improvement of the schools. This is not a time for retrenchment in education but for the wiser use of larger appropriations.



The per capita payments to the individual Indians amount to very little. The Indian blows in his payment in a day or a week. He goes on a junket or he buys some useless luxury like a victrola or a brass bedstead and that is the end of it. On the other hand, the total sum of the per capita payments is a very respectable amount and will suffice to run the schools for a considerable period. Is the Indian's whim or the white man's not unnatural covetousness to defraud the new generation of the training which is the only hope of real progress for these unfortunate people? Because an Indian wants to buy a secondhand Ford or his wife wants a new hat or 50 pounds of candy, are the children to go without school opportunities?

In 1922 the Board of Indian Commissioners as a whole made the following comment on the outlook for these Indians after the restrictions were removed:

Superintendent Locke and his immediate predecessor, Mr. Gabe Parker, both of Indian blood, have strongly urged that the trust period of the Indians in the Five Civilized Tribes be extended. It is to be expected that any move looking to this end will be strongly opposed by those white men in Oklahoma who make it their particular business to acquire Indian property as quickly, easily, and cheaply as possible, and generally without regard to even common decency. They will have the support of a considerable number of Oklahoma citizens, who are not in the "land-grafter" class but who want restricted Indian lands made taxable at the earliest possible day. Those groups of Oklahoma white citizens are using with considerable effect in their campaign of opposition to an extension of the trust period the baseless and vicious insinuation that the Indian Service wants restrictions prolonged for the sole purpose of perpetuating the office and jurisdiction of the superintendent of the Five Civilized Tribes. The Indians are being urged to "get rid of these job holders" as soon as possible because "they are eating up the tribal funds." It is more than unfortunate that the good people of the State either are utterly indifferent to the Indians, their rights and their future, or else have become so accustomed to land grafters and their operations that they neither excite personal interest nor arouse public indignation.

Many eastern Oklahoma Indians, who will come into unrestricted possession of their lands in less than 10 years unless Congress intervenes, have made contracts to sell their lands as soon as the trust period terminates, and these contracts have been recorded at county seats. Of course the contracts are not worth the paper they are written on, but they will cloud titles and make it so difficult for the Indian to work his way out of the troubles which will arise that,

in the end, the contracts will serve their purpose. The Indian will sell his land for little or nothing and a short time after he has become an independent member of his community he will be landless and if he is old, he will become a charge on his county.

A county judge in the Choctaw country, speaking of this matter said: "Unless Congress extends the trust period of the Choctaw Indians, every county in southeastern Oklahoma will have to take care of so many Indian paupers that the increased taxes required to carry the burden will aggregate more money than the Indian lands are worth. I look to see Oklahoma a pauper-ridden State unless this business of removing restrictions from Indians, who are but a little better than children in caring for themselves and their property, is stopped. The trust period must be extended, and if the citizens of this State know where they are getting off at they will move on to Congress and demand extension."

We recommend that action be taken at once which will lead to the passage of an act that will extend the trust period beyond its present termination for at least 15 years."

" *Ibid.*, 1922, pp. 7-8.

## CHAPTER II

### ACTIVITIES

The Office of Indian Affairs is a unifunctional organization, in so far as its activities relate solely to Indian life and property. But as these activities relate to practically all phases of Indian life, they may be subdivided into the following classes, which will be discussed in turn:

Making allotments in severalty

Issuance of patents in fee and certificates of competency

Supervision over real estate, including determination of heirs, approval of wills, distribution of property *inter vivos*, the sale and leasing of lands, the granting of rights of way and easements, and the administration of forest lands

Custody of Indian money, both tribal and individual

Education

Furnishing medical relief

Promoting industrial advancement, including the construction of irrigation, water supply and drainage systems, the advance of money, the promotion of agriculture and stock raising, and the obtaining of employment

Promotion of home economics

Support of Indians

Policing of Indian reservations and punishment of offences by Indians

Suppression of the liquor traffic

Control over Indian traders

Supervision over contracts with attorneys

Aid to missions

**Making Allotments in Severalty.** The allotment of land in severalty to individual Indians is the first step in the process of separating the Indian from the control of the government. The general allotment act of February 8, 1887 (24 Stat. L., 388), provides that the President may authorize the allotment of land in severalty whenever he deems such a course best. This practice was followed during the earlier years of the operation of that act, but gradually allotments came to be made under special acts of Congress applying to each reservation. The use of special acts was at first generally due to pressure to open the surplus lands for settlement, but later they were passed because under the general law the

land could not be divided properly or the surplus disposed of to the advantage of the Indian.<sup>1</sup> Prior to 1903 the government also generally negotiated agreements with the Indians in order formally to extinguish the tribal rights of occupancy, but the use of the agreement was generally abandoned after the decision of the Supreme Court holding that Congress had plenary authority over tribal relations, and that it might pass laws to abrogate the provisions of a treaty.<sup>2</sup>

Before the land can be divided it is necessary that a detailed cadastral survey be made according to the plan adopted for the general public lands. This survey is made by the General Land Office (Rev. Stat., 2115), the appropriation being made to the Office of Indian Affairs, which transfers to the General Land Office the amount necessary to meet the cost. For some years the act making appropriations for this work has required that the United States be reimbursed for the expense of the survey, but as a matter of fact the charges have never been collected. The total expended for surveying and allotting up to June 30, 1926, is \$2,811,418.17.

The survey having been made, the next step is to prepare a roll of all Indians of the particular tribe entitled to allotment. The original allotment act of 1887 is silent as to the manner of determining the proper persons to place on the roll, and operations under that act are conducted in accordance with regulations prescribed by the Secretary of the Interior. Often when special acts are passed, provision is made for a commission to prepare the final roll, subject to review by the Secretary of the Interior. The appropriation act for 1920, approved June 30, 1919 (41 Stat. L., 9), gave the Secretary of the Interior authority to cause a final roll to be prepared of any tribe with the exception of the Five Civilized Tribes, the Osages, the Chippewas of Minnesota, and the Menominees of Wisconsin, for whom final rolls had already been prepared. The allotment roll prepared is generally final, although acts have been passed authorizing the reopening of the rolls for the purpose of adding other names. This roll is also used for the distribution of any tribal funds which are authorized to be divided per capita.

<sup>1</sup>The sale of surplus lands after the allotments are completed is discussed under the heading "Sales of Land," page 175.

<sup>2</sup>*Lone Wolf v. Hitchcock*, 187 U. S. 553 (1903).

Children born after the closing of the roll are not entitled to allotments of land or to shares in the tribal funds unless additional legislation is enacted.

The progress made in allotment work on reservations during recent years is shown by the following table:

STATUS OF ALLOTMENT WORK ON RESERVATIONS AT END OF FISCAL YEARS  
1911, 1917, AND 1926

Items	1911	1917	1926
Area of reservations			
Allotted .....acres	31,383,354	34,636,721	39,096,943
Unallotted .....acres			
Land in reservations on which no allotments have been made.....			23,727,577
Land in reservations partly allotted, some of which is subject to allotment, and some of which will be reserved for the benefit of the tribe .....	40,263,442	35,565,517	<sup>a</sup> 5,792,313
Land in reservations completely allotted which has been reserved for the benefit of the tribe.....			2,289,330
Total .....acres	71,646,796	70,202,238	70,906,163
Indians on reservations			
Allotted .....	164,215	179,374	234,705
Unallotted .....	122,780	130,035	115,925
Total .....Indians	286,995	309,409	<sup>b</sup> 350,630

<sup>a</sup> Includes 1,270,199 acres of ceded area in Wind River, Wyoming.

<sup>b</sup> The total number of Indians does not agree with figures for total Indian population for the reason that some Indians have received more than one allotment, and the record shows allotments rather than the Indians receiving them.

With the exception of the lands of the Five Civilized Tribes, each Indian has always received the same specified area of similar classes of land (agricultural, grazing, or irrigable) on the assumption that all tracts were of equal value, the surplus lands being held for the benefit of the tribe. In the case of the Five Civilized Tribes the division was not on the basis of area alone, the law requiring that consideration be given to "the nature and fertility of the soil, location, and value." This equalization of allotments made the work much more difficult. In some cases all the lands have been

divided, and in some reservations, notably the Osage, the allottee obtained only the title to the surface, the mineral rights being retained for the benefit of the tribe.

After the survey has been made and the final roll prepared, the allotment is made by the superintendent of the reservation or by a special allotting agent.<sup>3</sup> The Indian is ordinarily allowed to select his allotment, the head of a family making the selection for his minor children and the agent for orphan children. Under the general law the Indian has four years after the beginning of the allotment work in which to select his lands, and if he does not make selection in that period the allotment is made by the agent or superintendent.

Indians are also entitled to homesteads on the public lands in certain cases. The act of March 3, 1875 (18 Stat. L., 420), provided that any Indian 21 years of age and born in the United States who abandoned his tribal relations might acquire a homestead under the general land laws, with a title not subject to alienation or incumbrance for a period of five years from the date of the patent. This was superseded in part by the act of July 4, 1884 (23 Stat. L., 96), which provided that the patent should be held in trust by the United States for a period of twenty-five years. Section 4 of the general allotment act of February 8, 1887 (24 Stat. L., 389), provided that Indians not residing on a reservation or for whom no reservation had been provided might acquire an allotment on the public lands of the same area and under the same conditions as those on reservations. Section 4 of the act of February 28, 1891 (26 Stat. L., 795), and Section 17 of the act of June 25, 1910 (36 Stat. L., 860), made the allotments on the public domain subject to the provisions governing allotments on reservations at these several dates.<sup>4</sup>

Indians holding trust patents on the public lands are nominally under the supervision of the Indian Service but the extent to which

<sup>3</sup> The act of 1887 required the allotment to be made by a special allotting agent, but the act of June 25, 1910 (36 Stat. L., 858), allows allotments to be made by special agents or by superintendents and agents in charge of the reservation.

<sup>4</sup> Section 4 of the act of February 28, 1891, was expressly amended by the act of June 25, 1910, which also repealed a paragraph on the same subject in the appropriation act of March 3, 1909 (35 Stat. L., 782).

this supervision is exercised depends more or less on the distance of the land from the field offices of the Indian Service. The number and area of such allotments at various periods are as follows:

NUMBER AND AREA OF ALLOTMENTS ON PUBLIC LANDS

At end of fiscal year	Number of allotments	Area in acres
1912.....	"	889,277
1915.....	7,470	1,077,257
1919.....	8,039	1,155,049
1920.....	8,776	1,261,586
1921.....	9,193	1,328,306
1922.....	9,489	1,373,406
1923.....	9,734	1,407,838
1924.....	9,837	1,422,288
1925.....	9,941	1,436,973
1926.....	10,012	1,446,757

" Not given in reports.

During recent years Congress has appropriated money for the purchase of land for homeless Indians who could not be allotted land on reservations or the public domain. The first appropriation of this character was made in the Indian appropriation act for the fiscal year 1915 for the purchase of land for Indians in California. Up to the end of the fiscal year 1926 there had been expended approximately \$197,000 for acquiring about 9300 acres for approximately 6000 Indians. The title to this land is held in the United States and the Indians have been given the right of occupancy.

The purchase of land for the Choctaws in Mississippi was begun in the fiscal year 1919, and up to the end of the fiscal year 1926 there had been acquired 740 acres at a cost of \$30,665. The appropriations for the purchase of land in Mississippi have provided that the purchase price should be reimbursed to the United States; therefore, title has been taken in the name of the United States and agreements made with the Indians to reimburse the government.

The appropriation act for the fiscal year 1926 carried \$25,000 for purchasing land for the Temoak band of Nevada.

By the act of February 14, 1923 (42 Stat. L., 1246), the general allotment act as amended is made to apply to all lands purchased

for the benefit of individual Indians or Indian tribes, unless otherwise specifically provided.

**Issuance of Patents in Fee and Certificates of Competency.** The issuance of the patent in fee<sup>1</sup> to allotted lands marks the end of the road as far as the relation of the government to the individual Indian is concerned, except as regards his interest in undistributed tribal funds and other property. When the patent in fee is granted, all the activities of the Office of Indian Affairs are at an end as far as the individual Indian is concerned, and he is then free to dispose of his property and money as he sees fit. It should be noted, however, that an Indian may receive a patent in fee for one tract of land, and later acquire another tract through inheritance, and that the patent to the second tract may be held in trust. Thus an individual may be free of supervision as regards some of his land, and under direction as regards other property. Control by the government does not extend to any property acquired by an Indian through his own efforts, no matter whether the Indian holds his allotted land under a trust patent or no allotment has been made.

No phase of Indian administration is more controversial than this question of freeing the Indian from government control. On the one hand it is represented that the Office of Indian Affairs is a great bureaucracy which stifles the initiative and advancement of the Indian, and on the other hand it is claimed that if the individual Indian were given full control of his property he would soon be cheated out of or dissipate it and become a pauper.

For almost twenty years after the passage of the original allotment act of 1887 the Office of Indian Affairs had nothing to do with the citizenship of Indians and little concern with the issuance of patents in fee, as the law provided that citizenship should be acquired when the allotment was made<sup>2</sup> and that a patent in fee should be issued automatically at the end of twenty-five years.

<sup>1</sup> The patent for the land is in all respects a deed from the United States to the grantee. As the term "patent" is used in all the laws and practically all the official reports, it has been deemed advisable to conform to the customary usage.

<sup>2</sup> Except in Indian Territory, where all Indians had been made citizens by the act of March 3, 1901 (31 Stat L., 1447). Indian Territory at that time comprised approximately the eastern half of the present state of Oklahoma, or the area occupied by the Five Civilized Tribes and the Indians under the Quapaw Agency.



Occasions arose when it seemed desirable to issue patents in fee, in which cases a recommendation was made to Congress, special legislation being necessary in each case. In other cases the Indian was induced to use political influence to obtain legislation, the results of which were described by Commissioner F. E. Leupp as follows:

. . . The effect of that has been bad in several ways. In the first place it continued what we are trying to break up—the notion on the part of the Indians generally that Congress is an all-powerful benefactor, to whom he must run every time that he is in any trouble. In the second place, it encouraged a very flourishing graft business which had sprung up among the Indians themselves, and between the Indians and certain unprincipled groups of whites on the borders of their reservations. A grafter would come to an Indian who had a trust patent for an allotment, and say to him: "I can get you your land in fee so that you can dispose of it as you choose, if you will give me one hundred dollars." The Indian would ask: "How can you do that?" "Oh, I have influence at Washington, I know Senator so and so—or the President, or the Secretary of the Interior—and I can get him to recommend whatever I ask him to." The Indian, ignorant of the way business is done at Washington, would scrape together his hundred dollars, or give a mortgage on his little chattels or whatever he might have that he could dispose of. Of course it would simply be paying money for nothing, for no influence that this grafter possessed could, as a rule, put an act through. But a Senator or a Representative would be approached, and it would be represented to him that this Indian was entirely capable, etc., and then in the kindness of his heart and assuming that it would be for the best interests of the Indian and all concerned, the lawmaker would procure the insertion of a paragraph in the Indian Bill that John Smith, a Tuscarora Indian, should have a patent in fee issued to him by the Secretary of the Interior. Before that went through, doubtless it would be referred to our office; we would give our opinion, saying, perhaps, that we knew nothing about this Indian or had no evidence that he was capable, and then Congress would pass it or not as it chose. In very many cases such paragraphs were crowded in the last hours of a session, when there was not time left for calm consideration or inquiry, working very great damage to the individual Indians affected.'

The conferring of citizenship resulted in the national government losing all control over the prosecution of offenses against allotted

'Lake Mohonk Conference, Proceedings, Vol. 24, pp. 20-21.

Indians. This was established in the early part of 1905, when there was decided in the Supreme Court a case which involved the sale of liquor to an allotted Indian. The offender had been convicted in the United States court under the act prohibiting the selling of liquor to Indians, but the Supreme Court held that as citizenship was acquired when the allotment was made, regardless of the fact that the patent was held in trust, it was not an offense against the United States to sell liquor to an allotted trust-patent Indian.\* This placed the allotted trust-patent Indian entirely under state and territorial law. This situation was remedied by the act of May 8, 1906.

The act of May 8, 1906 (34 Stat. L., 182), generally known as the Burke Act, nominally left the trust period at twenty-five years, but it gave the Secretary of the Interior power to issue a patent in fee "whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs, . . . and thereafter all restrictions as to the sale, incumbrance, or taxation of said land shall be removed." Provision was also made for extending the period of the trust patent beyond twenty-five years. Citizenship was to be obtained only on the issuance of the patent in fee, after which the allottees were to "have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside." Until the time the patent in fee is issued it is specifically provided that Indians holding trust patents should all be subject to the exclusive jurisdiction of the United States.<sup>6</sup> This, of course, did not take away the citizenship of Indians acquired under the act of 1887. The act of 1906 did not apply to any Indians in the Indian Territory, which at that time comprised approximately the eastern half of the present state of Oklahoma—the area occupied by the Five Civilized Tribes and the Indians under the Quapaw Agency.

This act increased the work of the Office of Indian Affairs because it was necessary to provide means for considering on its

\* In the matter of Heff, 197 U. S. 488. The ruling in this case was practically reversed in *Hallowell v. United States*, 221 U. S. 324.

<sup>6</sup> The act of June 2, 1924 (see page 165) conferred citizenship on all Indians, but that act did not repeal the provisions of the act of 1906 that Indians holding trust patents should be subject to the exclusive jurisdiction of the United States.

merits each application for a patent in fee. During the earlier years of the operation of the law, a rather conservative policy was followed. At the beginning the policy was in its experimental stage, and in 1907 and 1908 the action was based solely on the reports of the Indian superintendents. Of the Indians who received patents during those years, at least 60 per cent sold their land and squandered the proceeds. In 1909 and thereafter, a greater degree of competency had to be shown, and the superintendent was required to answer specific questions designed to show the ability of the Indian to care for himself and his property. Between 1909 and 1912 about 3400 applications for fee patents were approved and approximately 2000 denied. The general policy about this time is summed up in the following statement in the report of the Commissioner of Indian Affairs for 1911:

There is ordinarily so little legitimate reason for Indians alienating their lands, and the disposal of their farms so effectually thwarts the policy of the Government in developing self-support, that I am opposed to granting patents in fee unless circumstances clearly show that a title in fee will be of undoubted advantage to the applicant. A substantial class under this exception to the general rule is comprised, of course, of those who are making a living in other industries, or are honestly trying to do so. Not all Indians can or should become farmers; it is, however, the best chance of the majority. It is noticeable that industrious Indians who actually cultivate their lands seldom apply for patents in fee. Consequently, as the great majority of applicants belong to the class which inclines most toward shiftlessness, it is not surprising to find that in the past the greater number of successful applicants have made such haste to sell their land that they have got considerably less money than they would have received from sales through the superintendents. In a period of idleness they have squandered the entire proceeds, and in a short time have had neither land nor a substitute for any part of it, but in fact have been morally and industrially worse for ever possessing land. In the face of existing evidences of carelessness and incompetence any liberal policy of giving patents in fee would be utterly at cross purposes with the other efforts of the Government to encourage industry, thrift, and independence.<sup>30</sup>

<sup>30</sup> Department of the Interior, Annual Reports, 1911, Vol. 2, pp. 20-21.

In April, 1917, the following new declaration of policy was made by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior :

During the past four years the efforts of the administration of Indian affairs have been largely concentrated on the following fundamental activities—the betterment of health conditions of Indians, the suppression of the liquor traffic among them, the improvement of their industrial conditions, the further development of vocational training in their schools, and the protection of the Indians' property. Rapid progress has been made along all these lines, and the work thus reorganized and revitalized will go on with increased energy. With these activities and accomplishments well under way, we are now ready to take the next step in our administrative program.

The time has come for discontinuing guardianship of all incompetent Indians and giving even closer attention to the incompetent that they may more speedily achieve competency.

Broadly speaking, a policy of greater liberalism will henceforth prevail in Indian administration to the end that every Indian, as soon as he has been determined to be as competent to transact his own business as the average white man, shall be given full control of his property and have all his lands and moneys turned over to him, after which he will no longer be a ward of the Government.

Pursuant to this policy, the following rules shall be observed :

1. *Patents in fee.* To all able-bodied adult Indians of less than one-half Indian blood, there will be given as far as may be under the law full and complete control of all their property. Patents in fee shall be issued to all adult Indians of one-half or more Indian blood who may, after careful investigation, be found competent, provided, that where deemed advisable patents in fee shall be withheld for not to exceed forty acres as a home.

Indian students, when they are twenty-one years of age, or over, who complete the full course of instruction in the Government schools, receive diplomas and have demonstrated competency will be so declared.

2. *Sale of lands.* A liberal ruling will be adopted in the matter of passing upon applications for the sale of inherited Indian lands where the applicants retain other lands and the proceeds are to be used to improve the homesteads or for other equally good purposes. A more liberal ruling than has hitherto prevailed will hereafter be followed with regard to the applications of noncompetent Indians for the sale of their lands where they are old and feeble and need the proceeds for their support.

3. *Certificates of competency.* The rules which are made to apply in the granting of patents in fee and the sale of lands will be made

equally applicable in the matter of issuing certificates of competency.

4. *Individual Indian moneys.* Indians will be given unrestricted control of all their individual Indian moneys upon issuance of patents in fee or certificates of competency. Strict limitations will not be placed upon the use of funds of the old, the indigent, and the invalid.

5. *Pro-rata shares—trust funds.* As speedily as possible their pro-rata shares in tribal trust or other funds shall be paid to all Indians who have been declared competent, unless the legal status of such funds prevents. Where practicable the pro rata shares of incompetent Indians will be withdrawn from the Treasury and placed in banks to their individual credit.

6. *Elimination of ineligible pupils from the Government Indian schools.* In many of our boarding schools Indian children are being educated at Government expense whose parents are amply able to pay for their education and have public school facilities at or near their homes. Such children shall not hereafter be enrolled in Government Indian schools supported by gratuity appropriations, except on payment of actual per capita cost and transportation.

These rules are hereby made effective, and all Indian Bureau administrative officers at Washington and in the field will be governed accordingly.

This is a new and far-reaching declaration of policy. It means the dawn of a new era in Indian administration. It means that the competent Indian will no longer be treated as half ward and half citizen. It means reduced appropriations by the Government and more self-respect and independence for the Indian. It means the ultimate absorption of the Indian race into the body politic of the Nation. It means, in short, the beginning of the end of the Indian problem.

In carrying out this policy, I cherish the hope that all real friends of the Indian race will lend their aid and hearty coöperation.<sup>11</sup>

Competency commissions were organized to proceed to the several reservations, and in order to speed up the issuance of patents in fees the following letter was addressed to superintendents on March 7, 1919:

You are requested to submit to this office, at the earliest practicable date, a list of all Indians of one-half or less Indian blood, who are able-bodied and mentally competent, twenty-one years of age or over, together with a description of the land allotted to said Indians, and the number of the allotment. It is intended to

<sup>11</sup> *Ibid.*, 1917, pp. 3-4.

issue patents in fee simple to such Indians. Advise the office at once the approximate date when this list can be furnished.

During the three years following the declaration of policy in 1917, there were issued 10,956 fee simple patents, compared with 9894 in the ten years from 1906 to 1916.

Commenting on this policy the Secretary of the Interior in 1926 reported as follows: <sup>13</sup>

Many of the Indians to whom patents were issued refused to accept them; some of these afterwards accepted the patents unwillingly under the impression that they would lose the land if they did not take the patents. Some others accepted the patents without protest. Another class, principally of old and ignorant Indians, without understanding the effect of their acts, accepted what the Government offered them.

Practically all of these lands have been placed on the tax rolls and some have been sold for nonpayment of assessments.

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Few of the Indians will or can pay taxes, and the result will be loss of their homes and they will become charges upon the state.

When the administration changed in 1921 the practice of issuing patents in fee to Indians of one-half or less Indian blood without further proof of competency was discontinued, and the practice of requiring formal application and proof was revived. <sup>14</sup>

The number of patents issued for the fiscal years 1921 to 1926 was as follows:

Fiscal year	
1921.....	1692
1922.....	911
1923.....	625
1924.....	913
1925.....	451
1926.....	322

By the act of February 26, 1927 (44 Stat. L., 1247), the Secretary of the Interior was authorized to cancel a fee patent issued before the end of the trust period, provided the property has not been mortgaged or sold. <sup>14</sup>

<sup>13</sup> 69 Cong., S. rep. 536, p. 2.

<sup>14</sup> Commissioner of Indian Affairs, Annual Report, 1921, p. 23.

<sup>15</sup> In 1923 the Circuit Court of Appeals for the Ninth Circuit held that the fee patent could be issued only on application or consent, and that

With the exception of the period of about four years from 1917 to 1921, the policy of the Indian Office has been to issue patents in fee only after application has been made by the Indian to the local superintendent. The Indian executes a detailed questionnaire designed to afford evidence regarding his competency. The superintendent then posts notice that the application has been made in order that any parties in interest may have an opportunity to file objections. At the expiration of thirty days a recommendation to the Commissioner is made by the superintendent, who also fills out a detailed questionnaire regarding the character and competency of the applicant. When the application is approved by the Commissioner, it is forwarded to the Secretary of the Interior for final approval or disapproval. If approved, it goes to the General Land Office for the issuance of the patent.

As in the case of many other papers requiring the approval of the Commissioner and the Secretary, these officers do not have time to pass on the merits of each case. They promulgate the lines of policy to be followed, and it is the duty of subordinate employees to apply the policies to the particular case before them.

The policy which has been followed, except during the period from 1917 to 1921, is summarized in the following statement by the present Commissioner of Indian Affairs:

. . . If an Indian is competent to manage his own affairs he should not be under the supervision of the Government and ought to have his restrictions removed. He ought to have his land to do with as he likes and I wish we could compensate him for the cash value of his interest in the tribal property so that he would no longer have anything to do with the tribe, as those Indians make a great deal of trouble. When I say competent, I mean competent in the sense that he knows the value of money, and if he dissipates what he has he is capable of making his way in the world.

An Indian, just like anybody else, is human, and the average white boy inheriting from \$1000 to \$3000 at the age of 21 to 25 years will dissipate it in pretty nearly every instance. The first thing he will buy when he gets his money is an automobile if he has

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as the exemption from taxation is a property right it could be divested only by due process of law (*U. S. v. Benewah County, Idaho*, 290 Fed. Rep. 631). In this case the Indians had been declared competent in 1919, but had refused to accept the patent. The suit was to test the validity of a sale for non-payment of taxes. The court did not rule on the validity of an alienation for consideration, as that question was not before it.

not one already; so when they say, because an Indian dissipates what he gets he is not competent, that does not mean he is not competent at all. If he is competent, and you are certain he is, while you would prefer to have him succeed and not waste what he has, he ought to be made to understand that the responsibility is his and that if he does squander what he has he cannot come back and expect the Government to support him. If a man has any good in him, disaster will make him succeed. I presume some of you gentlemen met disaster in earlier days. That is what strengthens and develops men, and so when an Indian boy squanders what he has, he will have to go to work.

There was a propaganda for a number of years, to the effect that the Indian Bureau was operating in a way that was un-American, which was undemocratic, which was tyranny, and Secretary Lane listened to that kind of talk and adopted a very liberal policy in the matter of issuing patents, and did issue, in my opinion, many thousands that ought not to have been issued, and very much of the cry that comes from the Indians about conditions as to starvation and all that comes from that very class of Indians.<sup>28</sup>

In his annual report for 1921 the Commissioner also commented on this subject as follows:

It is doubtful if a satisfactory method has been found for determining the competency upon which to base a termination of the trust title. Applications for patents in fee have too often been adroitly supported by influences which sought to hasten the taxable status of the property or to accomplish a purchase at much less than its fair value, or from some other motive foreign to the Indian's ability to protect his property rights.

Notwithstanding the sincere efforts of officials and competency commissions to reach a safe conclusion as to the ability of an Indian to manage prudently his business and landed interests, experience shows that more than two-thirds of the Indians who have received patents in fee have been unable or unwilling to cope with the business acumen coupled with the selfishness and greed of the more competent whites, and in many instances have lost every acre they had. It is also true that many of the applications received for patents in fee are from those least competent to manage their affairs, while the really competent Indians are in large numbers still holding their lands in trust. It is evident to the careful observer that degree of blood should not be a deciding factor to establish competency, as there are numerous instances of full-bloods who are clearly demonstrating their industrial ability by the actual use made

<sup>28</sup> House Hearings on Interior Department appropriation bill, 1923, p. 158.



of their land and who are shrewdly content with a restrictive title thereto that exempts them from taxation. At the same time the instances are far too frequent where those of one-half or less Indian blood—often young men who have had excellent educational privileges—secure patents in fee, dispose of their land at a sacrifice, put most of the proceeds in an automobile or some other extravagant investment, and in a few months are “down and out,” as far as any visible possessions are concerned.

The situation, therefore, suggests the need of some revision of practice as a check upon the machinations of white schemers who covertly aid the issuance of fee patents in order to cheat the holders out of their realty, and as a restraint upon those who are not so lacking in competency as in the disposition to make the right use of it, and also as a stimulant to the thrifty holder of a trust title to accept the entire management of his estate with the full privileges and obligations that follow.

The well-known purposes of the Government are to fit the Indian for self-support and to protect his interests while doing so, and then to expect him to do his best toward independent living. The Government should not be expected to shirk its trust. It should not be made easy for young men to squander their substance and drift into vagrancy, nor for successful landholders to remain under restrictions not justified by their qualifications for citizenship.

It is hoped to find a way through which the competency of an applicant for a patent in fee can be tested by actual accomplishments on his land or in the particular industry in which he may be engaged, such as the maintenance of himself and family, if married, in a fair degree of comfort for a definite period prior to his application, so that not only the ability but the inclination and ambition to exert it will be evidenced and constitute a determining element. The same principle also argues that this standard of competency should bar an extension of the trust period to every energetic Indian who is getting ahead year after year, proving himself a capable farmer, stock grower or a thrifty provider for his family in some vocation, and because of this ability to manage well his affairs should gladly assume the full rights and obligations which the issuance of a patent in fee confers. In all such instances of unquestionable competency consideration might well be given to the matter of determining the individual interests in tribal property and turning over to these progressive Indians their full share of the tribal estate.<sup>38</sup>

A typical expression of the views of those favoring greater control of property by the Indians is contained in the following extracts

<sup>38</sup> Commissioner of Indian Affairs, Annual Report, 1921, pp. 25-26.

from the speech of Representative Clyde Kelly in the House of Representatives on January 11, 1924:

Mr. Chairman, my objection is not principally to the number of employees. For three congressional terms I have studied the Indian problem, and every new fact revealed has confirmed my conviction that our treatment of the American Indians is the sorriest tale that has ever been written in the history of this Republic. Nor do I refer to the old days of brutal dispossession of the native inhabitants; I refer to the present situation of the Indians, shackled by a despotic system, gagged by unjust power, blindfolded by enforced ignorance, while over them stands a bureaucracy intent only upon its own perpetuation.

Mr. Chairman, the most un-American organization under the flag is the Indian Bureau. It is a denial of every fundamental principle proclaimed by this Republic. Its methods and its purposes are as completely out of tune with those of America as the doctrine of the divine right of kings to rule. Its existence to-day, ninety years after its establishment, is the most disgraceful fact in all the record of American annals.

What is the American ideal? It is the development of the individual through liberty so that he may promote the common good of the Nation. Our fundamental belief is that all men are equally entitled to life, liberty, and the pursuit of happiness and that such equality of opportunity will best promote American civilization.

The Indian Bureau system is built upon the denial of this fundamental Americanism. It rests upon the principle of the superman. It insists that it is better fitted to guard the life, liberty, and pursuit of happiness of the Indian than he himself. It justifies its policy of throttling the Indian and compelling him to bow to its bureaucratic will by declaring that our American civilization will be advanced by such sacrifice of individuals.

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Mr. Chairman, bureaucracy means also the multiplication of regulatory laws and regulations. There are now on the statute books about 370 treaties and 2000 laws relating to Indian affairs, practically every one of them having been enacted upon the initiative and with the approval of the Indian Bureau.

It has made of the Indian reservations prison stockades whose walls are built higher and higher, more and more completely shutting out the Indian from active participation in the duties of American life and citizenship.

If any Member of Congress doubts the purpose of this system, let him introduce a bill to remove some of these restrictions and give the Indians a taste of freedom. He will soon know the opposition of the bureau to such legislation. But if he can devise a new

fantastic plan to govern Indian conduct in all its various manifestations, discover some restrictive scheme which has been overlooked by adroit bureaucrats, he will be welcomed into the inner fold and his bill be given enthusiastic approval by the bureau.

But in addition to the thousands of laws passed by Congress there are tens of thousands of rules and regulations passed by the Indian Bureau and having all the force of law. What a labyrinth in which to elude a seeker after truth. What a maze in which to hide evils of administration.

\* \* \* \*

Mr. Chairman, I submit that I have proved that the Indian Bureau is an alien thing in American Government. It is a bureaucracy which has grown insidiously, like a cancer, through its own sinister lust for power and the neglect and indifference of Congress. It has multiplied employees and expenses to a staggering total. It has woven a web of laws and rules until every step and act of helpless human beings are subject to a bureau's whims and will. It has repressed protests with an iron hand, violating the inherent constitutional rights of men whose only crime was an honest desire to help a people in bondage. It has been imbecile and inefficient in actual performance, wasting with reckless hands the property of the Indians and the funds of American taxpayers.

It has robbed the Indians of political rights, keeping from citizenship the original native-born Americans. It has robbed them of industrial rights by chaining them where they cannot choose their own occupation or engage in productive industry. It has robbed them of educational rights which belong to every being God ever made, that of becoming through development all that it is possible for him to become. Its denial of these rights is slaying the life of a people and burying the hope of a race.

The Indian Bureau to-day is the old man of the sea, ninety years old, and still riding on the backs of the Indians. It will make piteous pleas to Congress to provide money for reimbursables, rations, and hand-outs. It will teach the Indians obedience to the bureau and will give him endless good advice. It will do everything for the Indian but get off his back.

Mr. Chairman, I am in favor of unloosing the throttlehold of this old man of the sea. I am in favor of eliminating these useless expenditures by the Indian Bureau and the passage of legislation which will mean the end of this bureau, and thus write finis to its far too long record.

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Mr. Chairman, if America stands for anything in this world it is for faith in man. We have shown our faith in our public school system with its abolition of all caste and class lines and its open

door for every child to enter and make the very best of his chance in life.

We have proved our faith in man by permitting the entrance of millions from alien lands, without education or training or previous background of history, and have made them a part of our national fabric.

But our faith in man's capacity for self-government, big enough to include men from other countries and other races, has faltered and failed when it came to the native-born members of the American Indian race. It is late, but not too late to set our course by the polar star of American faith and American right and American justice.

Congress must give the Indians a fair chance to become self-respecting, self-governing, self-supporting American citizens. This century-old problem must be solved in American fashion. That means tearing down the walls around the Indian reservations behind which they have been encouraged to remain subject and uncivilized.

It means that every Indian born in the United States shall be a citizen of the United States, entitled to all the rights, privileges, and immunities of such citizenship. He must be given his land and property as his own. He must have the same appeal to the courts for the protection of his rights as all other Americans.

Let the ordinary laws apply to the few who are incompetent to protect themselves. They should be wards of the courts just as are other incompetents, of whatever race, permitted to dispose of their property only upon approval by the courts, with proper protection for dependents.<sup>37</sup>

The view of an official body which is not directly concerned with the administration of the Office of Indian Affairs and which has frequently criticized that office, is given by the Board of Indian Commissioners, which made some investigation of Indians who had been given fee patents and reported in part as follows:

The instant response to the letters clearly indicated the sympathetic interest that reservation officials and employees, as a whole, are taking in this most important question. The information the letters contained, and the suggestions and conclusions of the writers, based upon first-hand knowledge, are worthy the most thoughtful consideration of Congress and the department, for the information comes from men who know what they are writing about. They gained their knowledge of Indians and Indian affairs and their every-day living conditions from wide experience, not

<sup>37</sup> Cong. Record, Vol. 65, pt. 1, pp. 842-51.

alone as the executive representatives of the Indians' guardian, the Government, but as neighbors of Indians in their communities.

In none of the letters received from field service men by the board is there the least indication that reservation superintendents and employees are opposed to the general proposition of hastening the time when all Indians will be entirely free from Government supervision of their affairs. The charge has been made that the officials and employees of the Bureau of Indian Affairs purposely hinder any activity which might accelerate the progress of Indians toward independent citizenship, so as to prolong the existence of the bureau and, consequently, extend the length of the employees' services with the Government. None of the superintendents, field clerks, or farmers who answered the letters of this board even suggested the unwisdom of giving patents in fee which, automatically separating the Indians from the Government supervision, tends to reduce the work of the bureau.

On the contrary, almost all of them definitely indicated their approval of turning the Indians loose as soon as the Indians are ready to assume the responsibility of full and independent citizenship. *In common with Members of Congress, officials of the department, and men and women in private life who are interested in the welfare of the Indians, the field service men are divided in their opinions as to how far and how fast the Government should go in withdrawing its care and responsibility as guardian of the Indians.*

In one important phase of the question the field service men who answered the board's letters appear to be substantially in accord; that is, practically all of them are of the opinion that restrictions should only be removed from Indians after careful individual examinations into their qualifications for supporting themselves and competing unaided with their white neighbors. The field service men, as a whole, are not favorably disposed toward releasing Indians from Government supervision in the mass; they are skeptical of a policy which makes blood status or length of school attendance standards for determining the fitness of the Indians of the incompetent class for independent citizenship. These standards are not considered satisfactory in themselves. A number of the writers state that many full bloods may prove, as some have proved, to be better able to successfully handle their own affairs themselves than some of the better educated mixed bloods.

It is their belief that natural ability, willingness to work, and success in handling their affairs while under supervision should be the determining factors for declaring an individual competent to make his own way and stand alone entirely free from Government supervision. One of the superintendents writes that his experiences on several reservations have satisfied him that the character

of their white neighbors has much to do with the success or failure of fee-patent Indians. He has noticed that where the white people were disposed to help the Indians they made good progress, but where the white men make it their business to exploit the Indians, the newly freed allottees soon part with their lands and money.

Of the 87 field men who replied to the board's queries 71, or 81.5 per cent, state that of the patent-in-fee Indians on their reservations, a majority—in some cases all—disposed of their lands and money soon after they were released from Government supervision. The fee-patent Indians either sold their property themselves or lost it through foreclosure because they failed to pay the interest or principal of the mortgage. Instead of becoming self-supporting farmers on their own lands they soon were landless and penniless citizens. In short, in a good majority of the cases, the issuance of patents in fee seems to be a short cut to the separation of the freed Indians from their land and cash.

Of the 71 field men who show that the property of a large proportion of fee-patent Indians is slipping rapidly from them, there are 46, or 53 per cent of the total number of writers, who express the belief that a liberal policy of removing restrictions is faulty. Most of them believe that a halt should be called in the granting of fee patents to Indians in the mass, fearing that such a system is disastrous to the Indians. A small group of these field men, however, plainly indicate that they are in favor of releasing from Government supervision some of the young, capable Indians, now spending their time in idleness, on the ground that if such Indians lose their land and money they will be compelled to go to work, and thus will be forced to begin a new life which may lead to self-supporting independence.

There are 25 writers, or 28.5 per cent of the 87, who, while showing that a majority of the fee-patent Indians on their reservations have proved to be failures in handling the property turned over to them without restrictions, hold to the opinion that such are or will be better off in the long run by being forced to depend upon their own labor for a livelihood.

Of the 87 writers, 10 declared that the majority of the fee-patent Indians in their jurisdictions have achieved success. Four of this group of 10 report that the majority of such Indians are still holding their lands, and these are the only statements in the 87 replies in which such a favorable result is indicated. Of the 6 remaining replies 2 make no report as to success or failure, but simply show that the writers are in favor of a liberal policy for releasing Indians from supervision. One writer reports success in only a small number of cases, but gives no informative details.<sup>28</sup>

<sup>28</sup> Board of Indian Commissioners, Annual Report, 1921, pp. 7-9.

The parties on both sides of the controversy are agreed that the Indian should be freed from government supervision and control at the earliest possible moment. The advocates of the liberal policy declare that the present is the time for doing this, while the other side holds that any wholesale issue of patents in fee or removal of restrictions would result in disaster to the Indians.

Of the same effect as the issuance of the patent in fee is the certificate of competency which is granted to members of the Five Civilized and Osage Tribes and which removes the restrictions on alienation. In the case of Indians other than those of the Five Civilized and Osage Tribes no patent is issued when the allotment is made, the so-called trust patent being merely a certificate that the title to a certain tract of land is held in trust for the benefit of the Indian named. The fee patent, which is issued to the Indian when he is deemed competent, is the formal grant from the United States on which the title is based.

In the case of the Five Civilized and Osage Tribes the patents were issued when the allotments were made, but they contain a restriction against alienation during a specified period or until the Secretary should declare the Indian competent. If the Indian is deemed competent to manage his own affairs a certificate of competency is issued which is placed on record. This has the effect of removing the restriction on alienation. The restriction clause in the patent has given rise to the terms "unrestricted" and "restricted" Indians; these terms indicating merely that the Indian has or has not the power to alienate his lands. The procedure in issuing certificates of competency is essentially the same as that applying to the issuance of patents in fee.

The restrictions on the property of certain classes of Indians of the Five Civilized and Osage Tribes have been removed by law, and the Office of Indian Affairs has exercised no discretion in such cases. The act of April 21, 1904 (33 Stat. L., 204), removed the restrictions, except for minors and homesteads of adults, of allottees of the Five Civilized Tribes not of Indian blood.<sup>18</sup> By the act of May 27, 1908 (35 Stat. L., 312), the restrictions were removed as regards the Five Civilized Tribes from all lands of "allottees enrolled as intermarried whites, as freedmen, and as mixed-blood

<sup>18</sup> Persons who had been formally adopted by the tribe.

Indians having less than half Indian blood including minors," and from all lands, except homesteads, of allottees enrolled as mixed blood Indians having half or more than half and less than three-quarters Indian blood, including minors; all restrictions were removed on the death of the allottee.

In the case of the Osage Indians the act of March 3, 1921 (41 Stat. L., 1250), removed the restrictions on the allotments of all adults of less than half Indian blood.

The table below gives information regarding Indians under the supervision of the government in so far as data are available in the records of the Office of Indian Affairs. The figures are complete for 1911 and 1917, but for recent years no data have been compiled indicating the status of the Indian as regards governmental control. All the figures on population in the reports of the Commissioner of Indian Affairs are for the entire number of Indians, regardless of whether they are under government supervision. At present there are apparently no figures to indicate the number of Indians with which the government has to deal.

INDIANS ON RESERVATIONS UNDER SUPERVISION OF THE GOVERNMENT AT THE  
END OF FISCAL YEARS 1911, 1917, AND 1926

Class	1911	1917	1926
Under supervision of Government			
Patents held in trust or restricted.....	88,182	67,972	<sup>a</sup>
Unallotted .....	122,780	130,035	115,925
Total .....	210,962	198,007	<sup>a</sup>
Not under supervision of Government—holding unrestricted or fee patents.....	76,033	111,402	<sup>a</sup>
Total of all Indians.....	<sup>b</sup> 296,320	309,409	350,630

<sup>a</sup> Not reported.

<sup>b</sup> Includes some Indians whose status is unknown and who cannot be included in figures for unallotted, restricted, or unrestricted Indians.

Prior to June 2, 1924, the matter of citizenship was tied up with the issuance of the patent in fee, although there was no intrinsic relation between them. Citizenship is a personal and political right, while the patent in fee is a property right, the Supreme Court having held as follows:



. . . Citizenship is not incompatible with tribal existence or continued guardianship, and so may be conferred without completely emancipating the Indians or placing them beyond the reach of Congressional regulations adopted for their protection.<sup>20</sup>

Under the general allotment act of 1887 (24 Stat. L., 399), Indians who received trust patents and those voluntarily separating themselves from the tribe and adopting the habits of civilized life became citizens. The amendatory act of May 8, 1906 (34 Stat. L., 182), known as the Burke Act, postponed citizenship to allotted Indians until the issuance of the fee patent. Indian children born in the United States of citizen parents were citizens by birth. Indian women who married citizens of the United States became citizens under the act of August 9, 1888 (25 Stat. L., 392). Citizenship was conferred on the Indians of the Five Civilized Tribes and of the Quapaw Agency by the act of March 3, 1901 (31 Stat. L., 1447), and on the Osage Indians by the act of March 3, 1921 (41 Stat. L., 1250). The act of November 6, 1919 (41 Stat. L., 350), provided that all honorably discharged Indian soldiers and sailors might be granted citizenship by any court of competent jurisdiction. The act of June 2, 1924 (43 Stat. L., 253), provides as follows:

That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

It thus results that all Indians born within the territorial limits of the United States are now citizens, regardless of the status of their property.

The conferring of citizenship does not make the Indian subject to the laws of the several states, as the Supreme Court has held that trust and restricted land is a part of the Indian country over which the United States has exclusive jurisdiction.<sup>21</sup>

As regards the right to vote, the Indian like other persons is subject to all the requirements of state law relative to residence, registration, literacy, payment of poll tax, etc.

<sup>20</sup> United States v. Nice, 241 U. S. 598 (1916).

<sup>21</sup> United States v. Ramsay, 271 U. S. 470 (1926).

**Supervision Over Real Estate.** The real estate of the Indians under the supervision of the Service includes both the lands belonging to the tribes and tracts allotted to individual Indians and held under trust patents. On June 30, 1926, it had a total estimated value of \$1,575,480,046 divided as follows:<sup>28</sup>

ESTIMATED VALUE OF INDIAN REAL ESTATE, JUNE 30, 1926

Tribal	
Lands exclusive of timber.....	\$79,911,556
Timber and stock <sup>29</sup> .....	99,833,400
Total .....	\$179,744,956
Individual	
Lands exclusive of timber.....	345,834,214
Timber .....	15,953,652
Total .....	361,787,866
Tribal and individual	
Oil, gas, and other mineral resources.....	1,033,947,224
Total .....	\$1,575,480,046

The total given above does not agree with that in the 1926 Annual Report of the Indian Office, as the totals shown in that report are incorrect. No information is available regarding the method of arriving at those figures. Likewise no definite data are available to indicate whether the value of individual property includes only that of restricted or trust patent Indians, or whether it also includes that of some unrestricted and fee patent Indians living within the exterior boundaries of reservations. The estimate for the value of mineral resources is probably little better than a guess.

The ultimate control of this great estate rests in the hands of the Indian Service or the Secretary of the Interior. As regards property of individuals, government control extends only to that acquired directly by allotment of reservation lands or indirectly by inheritance. The government has no control over any property which an Indian may acquire through his own efforts.

*Determination of Heirs and Approval of Wills.* The general allotment act of 1887 provided that on the death of an Indian to

<sup>28</sup> The valuations by agencies are given in recent annual reports of the Commissioner of Indian Affairs.

<sup>29</sup> Timber and stock are combined in the figures in the report of the Commissioner of Indian Affairs, and it is apparently impossible to segregate the items.

whom land was allotted the land should be held in trust for the benefit of his heirs according to the laws of the state or territory in which the land was located, a fee simple patent to be given to the heirs at the expiration of the trust period. Section 7 of the appropriation act of May 27, 1902 (32 Stat. L., 275), provided that the adult heirs of a deceased Indian could sell the inherited lands, and in the case of minor heirs, the land could be sold by a guardian appointed by the local court, in both cases subject to the approval of the Secretary of the Interior. The proceeds of the sale were distributed to the adult Indians, but were held in trust by the guardian for the benefit of the minors. The sales were generally negotiated by the officers of the Indian Service, this being considered necessary to afford a basis for approval.

Between September 15, 1903, and June 30, 1904, there were sold 1236 tracts for \$2,057,464.50. While the Commissioner of Indian Affairs reported that fair prices were received, he found occasion to criticize the results as follows:

Under present conditions, so far as the Indian is concerned, the sale of these lands produces few beneficial results, but, on the contrary, has brought about conditions so detrimental to the Indians' welfare and so demoralizing to the community in general as to call for immediate and serious consideration. To the average land speculator the Indian seems to be considered common prey, and there has been disclosed through the reports of special agents designated to make investigations, the existence of cliques and combinations of schemers in the vicinity of nearly every agency where large quantities of lands are being sold, who, by various means fleece the Indian of the last penny within a few hours after the agent has turned over to him the proceeds of a sale.

Upon receipt of advice of the approval of a deed members of some combination approach the Indian who is to receive the money and engage him in all manner of contracts whereby the money coming to him from the sale of his land is transferred to the pockets of the combination. In one specific case . . . all the Indian finally received was a broken-down horse and carriage and a few chips and stones.

So small a portion of the proceeds from the sale of inherited lands is used by the Indians in improving their own allotments that the benefits thus derived are hardly entitled to consideration. The Office has no detailed report of these expenditures for improvements except with respect to the Omaha Indians in Nebraska. During the past three years improvements to Omaha allotments

have been made in fifty-seven separate cases at a cost estimated at \$44,400. The Omahas are one of the most progressive tribes, yet it is shown that out of a total of approximately \$147,150 received by the Omahas from the sale of inherited lands and the large sums received on leased Omaha lands, estimated at \$72,000 in three years, less than 20 per cent was expended in improvements.<sup>24</sup>

In order to remedy these conditions regulations were issued in the latter part of 1904 providing that the proceeds should be deposited in bank to the credit of the adult heirs or the guardians of the minor heirs, and that not more than ten dollars a month could be withdrawn on the approval of the local agent of the Service. If more than ten dollars a month was desired the approval of the Commissioner of Indian Affairs was required.

The second paragraph of the act of May 8, 1906 (34 Stat. L., 182), imposed a new duty upon the Office of Indian Affairs by providing that the Secretary of the Interior should determine the heirs of deceased Indians who had not received patents in fee. This act practically made the Secretary of the Interior a probate judge in such cases by providing that if an Indian died before the expiration of the trust period the land should revert to the United States. After the Secretary of the Interior had determined the legal heirs he was authorized to issue a new patent in fee in the name of the heirs or he could sell the lands, issue a patent to the purchaser, and pay the proceeds to the heirs. The law did not apply to the Indian Territory.

This act made no distinction between competent and incompetent heirs, but the act of May 29, 1908 (35 Stat. L., 444), provided that the fee patent should be issued only if the Secretary should find the heirs capable of managing their affairs. If the heirs were incompetent the Secretary was authorized to sell the land, the proceeds from the sale to be used during the trust period under the supervision of the Commissioner of Indian Affairs for the benefit of the heirs. The act of 1908, however, did not apply to Minnesota and South Dakota, where the procedure continued under the act of May 8, 1906.

Section 1 of the act of June 25, 1910 (36 Stat. L., 855), superseded portions of the earlier acts relating to the disposition of

<sup>24</sup>Department of the Interior, Annual Reports, 1904 (Indian Affairs, pt. 1), p. 62.

inherited lands and made some additional provisions. If the Secretary found some of the heirs competent and some incompetent, he might order the land sold, paying their respective shares to the competent heirs and holding the money in trust for the incompetent heirs; or if the land could be divided to advantage he could issue a fee simple patent to the competent heirs and a trust patent to the incompetent heirs. Provision was also made for selling the land on deferred payments under such regulations as the Secretary might prescribe. The provisions of the act of 1910 relating to the disposition of inherited lands applied to all states except Oklahoma; they were extended to that state, except for the Five Civilized Tribes and Osage Indians, by the act of February 14, 1913 (37 Stat. L., 679). The appropriation acts for the fiscal years 1914, 1915 and 1916 (38 Stat. L., 80, 586, 1228) directed the collection of fifteen dollars from every estate for which determination of heirs had been made; the appropriation act for the fiscal year 1917 contained a permanent provision that the charge of fifteen dollars should be made only on estates valued at more than \$250 (39 Stat. L., 127). The appropriation act for the fiscal year 1921 (41 Stat. L., 413) enacted permanent law providing for a sliding scale of fees ranging from fifteen dollars for an estate with a value between \$250 and \$1000; twenty dollars for an estate valued at between \$1000 and \$3000; twenty-five dollars for an estate valued at between \$3000 and \$5000; and fifty dollars for an estate with a value over \$5000.

The rates were again changed by a permanent provision in the appropriation act for the fiscal year 1924 (42 Stat. L., 1185), which fixed the fees as follows: \$20 for an estate valued at between \$250 and \$1000; \$25 for an estate valued at between \$1000 and \$2000; \$30 for an estate valued at between \$2000 and \$3000; \$50 for an estate valued at between \$3000 and \$5000; \$65 for an estate valued at between \$5000 and \$7500; and \$75 for an estate valued at over \$7500. The proceeds from the fees are deposited in the Treasury and are not available for expenditure, specific appropriation being made each year for the work.

The Indian Office is planning to submit a draft of legislation increasing the fees still further.<sup>20</sup>

While not required by the act of 1910 the determination of the heirs is made according to the law of the state in which the decedent

<sup>20</sup> House Hearings on Interior Department appropriation bill, 1928, p. 56.

resided, but the decision of the Secretary of the Interior is final and is not subject to review by either federal or state courts. There being no marriage and divorce law applying to many Indians, and in many instances there being no record of the marriage, the determination must often be made on the basis of oral testimony. In general the investigation is made by one of the corps of examiners, who deals only with questions relating to the determination of heirs, although in special cases the local superintendent is at times authorized to hold the hearings.

The field is divided into ten examiners' districts, in each of which there is an examiner. The examiner makes a report to the office of Indian Affairs, which reviews it and forwards it to the Secretary of the Interior for appropriate action.

As there is no general civil code applicable to Indians, no provision was made for the disposition of Indian property by will prior to 1910. Citizen Indians who held patents in fee could dispose of their property by will under state law, but in the case of non-citizen Indians the property could be divided only according to the general intestate laws of the state. Section 2 of the act of June 25, 1910 (36 Stat. L., 856), allowed an Indian over 21 years of age, for whom the government held a patent in trust, to dispose of the allotment by will, but no such will was to be valid until approved by the Commissioner of Indian Affairs and the Secretary of the Interior. This law did not apply to the Indians in Oklahoma.

The provisions relating to wills and the authority over wills were considerably broadened by the act of February 14, 1913 (37 Stat. L., 678), which amended the act of June 25, 1910. The original act applied only to land, but the amendatory act applied to money or other property held in trust by the United States. Under the original act a fee patent was issued for land inherited by will, regardless of the competency of the devisee, who frequently disposed of the property and wasted the money. The act of 1913 provided that the trust should not terminate when a patent was issued to the devisee, but that the Secretary could, in his discretion, issue a fee patent, or sell the land and pay the proceeds to the heirs in whole or in part from time to time as he might deem advisable. This act further provided that the Secretary might approve or disapprove the will either before or after the death of the testator, and in case of fraud might cancel the will within one

year after the death of the testator. The provisions of the act of 1913 extended to Indians in Oklahoma except the Five Civilized Tribes and the Osages.

The fees for approving wills are the same as those for determining heirs,<sup>26</sup> the fee being collected after the death of the testator.

Wills are filed with the superintendent of the reservation, who is authorized to prepare the instrument, a blank form of will being supplied by the Indian Office.

Action on wills is not taken by the Secretary until after the death of the testator. The disposition of property passing by will is determined by the status of the beneficiary. If the land can be divided, a fee patent is issued to the competent heirs and the land held in trust for the noncompetent heirs. If the land is not susceptible of division it is sold, as already described,<sup>27</sup> the proceeds being paid to the competent heirs or held in trust for the noncompetents.<sup>28</sup> Other money is disposed of in the same manner as the proceeds of the sale of real property.

WORK IN CONNECTION WITH DETERMINING HEIRS AND APPROVING WILLS,  
FISCAL YEARS 1915, 1919, AND 1926

Items	1915	1919	1926
Estates settled .....	6,706	2,414	2,395
Appropriation .....	\$100,000	\$100,000	\$83,680
Fees collected .....	\$54,851	\$33,936	\$56,314
Wills considered			
Approved .....	132	58	168
Disapproved .....	"	17	44
Filed without action.....	"	40	159
Canceled .....	"	3	2

" Not shown in reports.

The authority of the Secretary of the Interior to determine heirs does not extend to the Osages or the Five Civilized Tribes, the descent of their property being subject to the laws of Oklahoma. The estates of deceased members of the Five Civilized Tribes are administered by the local probate courts, which were specifically

<sup>26</sup> See page 169.

<sup>27</sup> See page 169.

<sup>28</sup> See page 196.

given jurisdiction over the persons and property of minor allottees of the Five Civilized Tribes by Section 6 of the act of May 27, 1908 (35 Stat. L., 313); this act also provided that the death of an allottee should operate to remove restrictions on alienation.

Local courts were given jurisdiction over the property of deceased and of orphan, minor, insane, and other incompetent Osage allottees by Section 3 of the act of April 18, 1912 (37 Stat. L., 86), but that act required that a copy of all papers filed in the county court should be served on the Superintendent of the Osage Agency, who was authorized to investigate the conduct of executors and guardians and to report to the county court. Further protection was afforded by the provision that lands could not be alienated by guardians without the consent of the Secretary of the Interior. The act of February 27, 1925 (43 Stat. L., 1008), provides that guardians shall not be appointed, except on the approval of the Secretary of the Interior, for the estate of any Osage who does not have a certificate of competency or who is of one-half or more Indian blood. The act also contains other provisions designed to safeguard the administration of Osage estates.

In the counties occupied by the Five Civilized Tribes a class of professional guardians soon developed, who in many cases cheated the heirs out of their estates through sales or loans for inadequate consideration or obtained excessive fees and commissions. For each of the fiscal years 1910 to 1912, appropriations of from \$90,000 to \$100,000 were made for field agents, who operated under the following clause of the act of May 29, 1908 (35 Stat. L., 313):

. . . The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that state or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court



and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

The appropriation for these field agents was denied after the fiscal year 1912, but about that time the State Department of Charities endeavored to combat the abuses.

The state legislature promptly curbed the activities of that organization by refusing to vote funds for its support, although some of its work was still carried on by means of private contributions. In 1912 the attorney for the Creek Nation made a detailed investigation of the estates of that tribe in the hands of guardians and found that the average cost of administration was less than 2½ per cent for the estates of white minors, a little over 3 per cent for Indian minors whose estates were in the hands of competent Indian guardians, and over 19 per cent for estates of Indian minors administered by professional guardians. There was also shown to be lack of supervision over the guardians, insufficient bonds, and failure to file reports,<sup>28</sup> there being over 4000 cases in one tribe in which the record was not complete.

In the Indian appropriation act for the fiscal year 1914 (38 Stat. L., 95) authority was given for the employment of probate attorneys. No special appropriation was made for this work, but the appropriation for administration of the affairs of the Five Civilized Tribes was increased \$50,000.

This act did not give the Interior Department jurisdiction to determine the heirs and divide the estate as among other Indians. The probate attorneys appear in court simply as friends of the ward in order to see that excessive fees are not charged, that all

<sup>28</sup> For the report of the tribal attorney, see Cong. Record, Vol. 49, pt. 1, p. 621.

the property is accounted for, that sales are made for adequate consideration and in the interest of the ward, and that there is proper security for all investments. If the probate attorney is not satisfied with the administration of the estate he files his objections with the probate court, and if necessary appeals the case to higher courts.

In 1914 the Justices of the Supreme Court of Oklahoma adopted uniform rules governing procedure, reports, fees, etc., in all the probate courts.<sup>30</sup> One of these rules required the probate court upon the filing of a guardian's report to give notice of the date of hearing to the probate attorney representing the Interior Department. The judge of the Rogers County Court promptly set aside the rules of the Supreme Court, promulgated rules of his own which did not require notice to the probate attorney, and announced that he did not intend to give the notice. This matter being carried to the Supreme Court of the state, that tribunal affirmed the right of the probate attorney to receive notice and ordered the local rules vacated.<sup>31</sup> In a later case the Supreme Court of the state specifically affirmed the right of the probate attorney to prosecute an appeal from the decision of the local court.<sup>32</sup>

The orderly and uniform administration of probate cases was evidently unpopular in some quarters, as the legislature on April 4, 1919, passed an act abrogating all rules adopted by the Supreme Court of the state and requiring each local court to promulgate separate rules (Session Laws, 1919, Chap. 201; Compiled Statutes 1921, secs. 3175 and 3176).

The following statement from an unpublished report of the Board of Indian Commissioners, made to the Secretary of the Interior in 1926, summarizes the general conditions in Oklahoma regarding court action involving Indians and their estates.

That for some eighteen years these Indians have been robbed, overreached and otherwise mistreated under cover of this act [of May 27, 1908] by a class of men commonly known in Oklahoma as "grafters" through the allowance of exorbitant fees by county courts to guardians and their attorneys; through the sale

<sup>30</sup> The rules are given in Department of the Interior, Annual Reports, 1914, Vol. 2 (Indian Affairs), pp. 54-57.

<sup>31</sup> *State ex rel Freeling v. Kight*, 152 Pac. Rep. 362 (1915).

<sup>32</sup> *Hickory et al. v. Campbell et al.*, 182 Pac. Rep. 233 (1919).

of lands, with the approval of county courts, at prices far below their known value; through the leasing by Indians, without Federal supervision, of their agricultural lands under terms which produced ridiculously low rentals; through the practice of declaring adult Indians "incompetent" by county courts to the subsequent profit of guardians and attorneys and loss to the Indians; through the opportunities afforded by the provisions of the "Partition Act" of 1908 by which Indian heirs have been forced to sell their interest in inherited lands at prices set by the purchaser of the interest of another heir, and by involving Indians in complicated legislation that developed unconscionable fees and costs.

That in many instances county judges have been extremely lax in their duties, or indifferent to their responsibilities, or over-influenced by considerations of social or political obligations, or have been the willing tools of designing men.

The appropriations for probate attorneys have been \$85,000 for the fiscal years 1915 to 1920, \$75,000 for the fiscal year 1921, \$50,000 for the fiscal years 1922 and 1923, \$45,000 for the fiscal year 1924, \$40,000 for the fiscal years 1925 and 1926, \$38,000 for the fiscal year 1927, and \$37,000 for the fiscal year 1928.

*Distribution of Property Inter Vivos.* By Section 3 of the act of June 25, 1910 (36 Stat. L., 856), the Secretary of the Interior was given power to allow an Indian holding land under a trust patent to relinquish his interest in favor of children to whom no allotment had been made, and to allot such land to the children subject to all the conditions of the original allotment. This law did not apply to the Five Civilized Tribes and the Osage Indians.

*Sale of Land.* If any land remains after the allotments have been made the surplus is sold for the benefit of the tribe. Up to about 1900 the government generally bought the surplus at an agreed price, and in some cases divided the proceeds per capita among the members of the tribe. During recent years the government has held the land in trust for the tribe and disposed of it from time to time under the general or special laws. As a rule the surplus lands are disposed of by the General Land Office under special acts providing the methods of opening and making entry.<sup>23</sup>

<sup>23</sup> In the early years the right of entry was accorded to the entryman first on the ground, the settlers being lined up on the border and admitted to the reserved lands at the appointed time. This was the method used in Oklahoma, where these rushes frequently resulted in personal clashes and bloodshed. Later there was adopted a plan of registering the applicants and awarding the tracts by lottery.

When the land is disposed of through the General Land Office, practically all the detailed work is done by that bureau, the proceeds being deposited in the Treasury to the credit of the several tribes, and being disposed of by the Office of Indian Affairs in accordance with the laws governing tribal funds. The sale of tribal lands is made by the Office of Indian Affairs only in special cases, the most extensive sales of tribal lands made by that Office being those of the surplus lands of the Five Civilized Tribes. The tribal lands of the Cherokees have been entirely disposed of. In 1927 there still remained to be sold tribal land of the Creeks valued at approximately \$99,000, of the Seminoles valued at \$30,000, and of the Choctaws and Chickasaws valued at approximately \$10,000,000.

The receipts from the sales of surplus lands since 1911 both by the General Land Office and the Office of Indian Affairs have been as follows:

RECEIPTS FROM SALE OF SURPLUS TRIBAL LANDS, FISCAL YEARS  
1911 TO 1925, INCLUSIVE

Fiscal year	Total	From sales by General Land Office	From sales by Indian Office
1911 .....	\$6,010,642	\$2,822,601	\$3,188,041
1912 .....	4,475,489	2,284,538	2,190,951
1913 .....	6,116,369	2,118,469	3,997,900
1914 .....	4,312,812	1,814,803	2,468,009
1915 .....	4,018,034	1,556,631	2,461,403
1916 .....	4,316,657	1,992,743	2,323,914
1917 .....	7,723,232	2,443,981	5,279,251
1918 .....	5,063,295	1,935,377	3,127,918
1919 .....	3,740,869	1,387,782	2,353,087
1920 .....	5,180,927	2,063,186	3,117,741
1921 .....	2,140,363	903,372	1,236,991
1922 .....	1,212,118	545,712	666,406
1923 .....	2,518,677	473,002	2,045,675
1924 .....	767,221	359,089	408,132
1925 .....	1,630,128	337,090	1,293,038

The lands of individual Indians may be sold when an estate is divided (36 Stat. L., 855) or when the allottee petitions for the sale, and such disposition of the land is deemed to be for his best interest. The procedure for determining heirs has been described,<sup>24</sup>

<sup>24</sup> See page 166.

but the method of sale is essentially the same for the lands of both deceased and living Indians.

Sales are initiated by the local superintendent on the petition of the parties in interest. The superintendent appraises the land, advertises the sale for sixty days both in newspapers and by posting notices, opens the bids and makes appropriate recommendations to the Commissioner. All the bids and a full report on the proposed transaction must be transmitted to the Office of Indian Affairs, where the papers are reviewed and appropriate recommendation made to the Secretary of the Interior, without whose approval the sale cannot be consummated.

The foregoing procedure applies to all lands except those of the Five Civilized Tribes.

The money received from the sale of individual lands is deposited by the superintendent and held in trust for the benefit of the Indian.<sup>88</sup> The receipts from the sale of individual Indian lands during recent years have been as follows:

SALES OF INDIVIDUAL INDIAN LANDS, FISCAL YEARS 1911, 1917, AND 1926

Class of land and fiscal years	Tracts	Acres	Proceeds
<b>Inherited lands</b>			
1911 .....	638	79,666	\$1,503,960
1917 .....	655	75,892	1,546,965
1926 .....	771	81,607	1,858,257
Total, 1903 to 1926.....	<sup>a</sup> 15,851	1,925,344	\$36,902,484
<b>Lands of noncompetents</b>			
1911 .....	494	56,198	\$978,588
1917 .....	588	69,849	1,040,202
1926 .....	433	44,413	855,544
Total, 1908 to 1926.....	9,067	1,008,287	\$9,522,363
Grand total .....	24,918	2,933,631	\$46,424,847

<sup>a</sup> Number of tracts of inherited land in 1903 was unknown.

*Leasing of Lands.* The leasing of both allotted and tribal lands has been one of the duties of the Office of Indian Affairs since 1891. The allotment act of 1887 provided for an allotment to each

<sup>1</sup> See page 196.

and every Indian and contemplated that the Indian should be placed on the land. The fact was overlooked entirely that some of the allottees would be physically incapable of utilizing their land, even if the Indians were inclined to do so. As the title to the land was held in trust by the United States, the allottee could not make a valid lease. This was remedied by the act of February 28, 1891 (26 Stat. L., 794), which provided that if by reason of age or other disability an allottee could not personally occupy the land, it might be leased for a term not exceeding three years for farming or grazing purposes and for ten years for mining under regulations prescribed by the Secretary of the Interior.

This act also authorized the leasing of tribal lands "bought and paid for" by Indians and not needed for farming and agricultural purposes or for allotment. The term was limited to five years for grazing and ten years for mining purposes. These leases were to be "by authority of the council speaking for such Indians" and on terms and conditions recommended by the agent, subject to the approval of the Secretary of the Interior. The words "bought and paid for" were interpreted to mean lands acquired through the surrender of other property or possessions.<sup>28</sup> These leases could not be made on reservations established by executive order or by act of Congress, but were confined to reservations created by treaty or agreement with the Indians.

A provision in the appropriation act of August 15, 1894 (28 Stat. L., 305), superseded the act of 1891 in part by changing the period of leasing of allotted land for farming or grazing purposes to not exceeding five years and allowing leases for mining or business purposes for ten years. It also permitted the leasing of surplus lands of any tribe for farming in addition to grazing purposes.

In 1897 the period of the leases for allotted lands was again changed to not exceeding three years for farming and grazing purposes and five years for mining and business purposes (30 Stat. L., 85). By the act of May 31, 1900 (31 Stat. L., 229), the maximum period for leases was again placed at five years, and leasing was restricted to farming purposes.

Beginning in 1907 the more progressive Indians were allowed to collect the rentals without supervision, in order better to qualify

<sup>28</sup> Commissioner of Indian Affairs, Annual Report, 1893, p. 28.

them to transact their own business and to prepare them to take care of their affairs at the end of the trust period.

The leasing of allotted lands for mining purposes, except those of the Five Civilized Tribes and the Osages, for such term of years and under such conditions as might be deemed advisable, was authorized by the act of March 3, 1909 (35 Stat. L., 783), but tribal lands could be leased for mining purposes only on "treaty" reservations acquired by the Indians through the cession of other lands or by purchase. There was, thus, no provision for mining leases of tribal land on reservations created by statute or executive order until the passage of the Indian appropriation act of June 30, 1919 (41 Stat. L., 31), Section 26 of which allowed prospecting and mining for metalliferous minerals on Indian reservations in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, and Wyoming." Under this act the Secretary of the Interior may declare unallotted lands subject to exploration for metalliferous minerals, and such lands may be entered in accordance with the general laws governing the entry of mining claims on the public lands. The Secretary is authorized to lease such lands for twenty years under such reasonable terms and conditions as he may prescribe, the lessee having a preferential right of renewal for successive periods of ten years. A minimum royalty of 5 per cent is prescribed and a minimum rental per acre of twenty-five cents during the first year, fifty cents during the second, third, fourth, and fifth years, and one dollar during each year thereafter; the amount of the rental, however, is to be credited against the royalty. The general provisions of this act are essentially the same as those of the act providing for leasing mineral lands on the public domain (38 Stat. L., 509). All money received from rentals and royalties is to be deposited in the Treasury to the credit of the

"In the years immediately following the Civil War, the rush of miners to the country reserved for the Indians had been a cause of frequent trouble. The Indian title to most of the better mining regions was soon extinguished and the Indians have received no benefit from the mineral deposits on lands once occupied by them. In recent years there has been no difficulty from prospectors, chiefly because there have been no deposits to attract them, but also because of better administration in keeping intruders out. This act of 1919 came too late to be of any real benefit to the Indians, but if metalliferous minerals should be discovered it gives assurance that they will be worked and a part of the proceeds paid to the Indians.

Indians and is subject to the same disposition as other tribal funds. This law was extended to include magnesite, gypsum, limestone, and asbestos by the act of March 3, 1921 (41 Stat. L., 1231), and to all minerals except oil and gas by the act of December 16, 1926 (44 Stat. L., 922). The method of leasing was further defined by the act of May 29, 1924 (43 Stat. L., 244).

It should be noted that the act of June 30, 1919, and the amendatory act made no provision for leasing for oil and gas, such leasing being governed by the act of February 28, 1891 (26 Stat. L., 794), which under the decisions of the Department of the Interior, allowed leasing only on treaty reservations and not on statutory and executive order reservations.<sup>38</sup> The general leasing act of February 25, 1920 (41 Stat. L., 437), provides for the leasing of deposits of coal, phosphates, sodium, oil, oil shale, and gas on land containing such deposits, owned by the United States, with the exception of national parks, lands acquired under the Appalachian Forest act of March 1, 1911 (36 Stat. L., 961), and lands in military or naval reservations. The regulations of the Department of the Interior of March 11, 1920, issued under the leasing act<sup>39</sup> also excepted Indian reservations, doubtless because Indian reservations were not considered as land owned by the United States. On January 14, 1922, the Commissioner of the General Land Office rejected an application for a prospecting permit for a certain tract on the Navajo Reservation, for the reason that the tract of land included in the application was embraced within lands set apart as a reservation for Indian purposes by the executive order of May 17, 1884. On appeal, Secretary Fall on July 9, 1922, held that the Indians on executive order reservations held no title to the land and that the land could be leased under the general leasing act.<sup>40</sup>

Under this decision the Indians on executive order reservations would have received no part of the proceeds, which would have been credited to the Miscellaneous Receipts of the United States, the Reclamation Fund, and the several states in the proportions prescribed by Section 35 of the general leasing act of February 25, 1920 (41 Stat. L., 450). On May 12, 1924, the Attorney General

<sup>38</sup> See page 284 for definition of several classes of reservations.

<sup>39</sup> 47 L. D. 139-46.

<sup>40</sup> 47 L. D. 424, 437, 489.



held that the general leasing act did not apply to executive order reservations, and that the Indians were entitled to the proceeds from the leases.<sup>44</sup> By the act of March 3, 1927 (44 Stat. L., 1347), it was provided that the proceeds of oil and gas leases on executive order reservations should inure to the credit of the Indians.

By the act of July 3, 1926 (44 Stat. L., 894), authority was given for the leasing of unallotted irrigable lands for farming purposes for not to exceed ten years, with the consent of the "tribal council, business committee or other authorized body representative of the Indians."

In order to reimburse the government for some of the expenses connected with the supervision of leases, the act of February 14, 1920 (41 Stat. L., 415), authorizes the Secretary of the Interior to charge a reasonable fee, which has been fixed by him at \$1.00 if the total rental is not over \$100, \$2.50 if the rental is between \$100 and \$250, and \$5 if the rental is over \$250.

The procedure in the making of leases was simplified by the act of March 3, 1921 (41 Stat. L., 1232), which provides that the superintendent or other officer in charge of a reservation may approve leases of individual allotments for farming and grazing purposes without submitting them to the Washington Office for approval; this act does not apply to the Five Civilized Tribes.

The acts mentioned above are general ones and apply to Indian lands not specifically provided for, but from time to time special acts were passed which were of local application, as follows:

Quapaw Agency. Act of June 7, 1897 (30 Stat. L., 72), authorizing the leasing of allotted land for not exceeding three years for farming or grazing purposes and for not exceeding ten years for business or mining purposes.

Yakima Reservation. Act of May 31, 1900 (31 Stat. L., 246), authorizing the leasing of allotted lands for agricultural purposes for not exceeding ten years.

Five Civilized Tribes. Act of April 26, 1906 (34 Stat. L., 145), requiring the approval of the Secretary of the Interior to leases by full bloods, except leases for not exceeding one year for agricultural purposes of land other than homesteads; act of May 27, 1908 (35 Stat. L., 312), requiring the approval of Secretary of the Interior to leases of restricted land for oil, gas, or mining purposes, or restricted homesteads for more than one year, and of restricted lands for more than five years.

Osage Reservation. Act of June 28, 1906 (34 Stat. L., 545), and act of March 3, 1921 (41 Stat. L., 1249), authorizing leasing of lands for all

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<sup>44</sup> 34 Op. Att. Gen. 171.

purposes; the proceeds from the leasing of mineral rights of all lands are held for the benefit of the tribe, but the proceeds from leasing for other purposes inure to the benefit of the allottees.

Fort Belknap Reservation. Act of March 1, 1907 (34 Stat. L., 1034), authorizing the leasing of not exceeding 20,000 acres of allotted and tribal lands for culture of sugar beet and other crops in rotation for not exceeding ten years.

Uintah and Uncompahgre Reservations. Act of April 30, 1908 (35 Stat. L., 95), authorizing leasing of irrigable allotted land for not exceeding ten years.

Shoshone or Wind River Reservation. Act of August 21, 1916 (39 Stat. L., 519), authorizing the leasing of tribal lands for production of oil and gas for twenty years.

Spokane Reservation. Act of June 30, 1917 (39 Stat. L., 155), authorizing leases for mining purposes for twenty-five years.

Crow Reservation. Act of June 14, 1920 (41 Stat. L., 753), as amended by the act of May 26, 1926 (44 Stat. L., 658), authorizing leasing of allotted lands for mining purposes, including oil and gas, for not exceeding ten years, the proceeds to belong to the tribe.

The general authority for leasing tribal lands for grazing purposes does not extend to reservations created by executive order. On such reservations grazing is allowed through informal permits which accomplish practically all the purposes of a lease.

In the case of farming and grazing leases the local superintendent is given full power to determine whether the allottee shall have authority to make leases without supervision and to make the leases for incompetent Indians except for lands of the Five Civilized Tribes. Leases for the lands of adult incompetent Indians are made only with the consent of the allottee unless he is mentally incompetent. If the Indian, being competent, is allowed to make a lease without supervision the proceeds are collected by him, but if the Indian is incompetent all collections are made by the superintendent. Leases for business purposes, which are few, must be authorized by the Commissioner of Indian Affairs.

All leases of tribal lands, whether for farming, grazing, or mining purposes, must be made by authority of the tribal council or other recognized body speaking for the tribe. These leases are ordinarily negotiated by the local superintendent, but must be approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

By far the greater part of the income from leases is derived from oil and gas lands of the Osage Indians and the Five Civilized Tribes. In the Osage Reservation the title to the oil and gas is held for the benefit of the tribe even though the surface has been

allotted in severalty to individuals. In the Five Civilized Tribes the title to the oil and gas is in the owner of the surface allotment. In the case of oil and gas leases the royalty is fixed at  $16\frac{2}{3}$  per cent of the value of the product, except when wells on a quarter section (160 acres) or less yield one hundred barrels or more

## INCOME FROM LEASING, FISCAL YEARS 1911, 1917, AND 1926

Class of land	1911	1917	1926
<b>Agricultural land only</b>			
Allotted .....		2,615,639	2,898,595
Tribal .....	230,901	44,270	10,966
Total .....	230,901	2,659,909	2,909,561
<b>Grazing land only</b>			
Allotted .....		970,529	612,746
Tribal .....	316,755	714,884	368,641
Total .....	316,755	1,685,413	981,387
<b>Agricultural and grazing lands combined</b>			
Allotted .....	1,844,370		161,583
Tribal .....			13,212
Total .....	1,844,370		174,795
<b>Mineral land</b>			
Allotted .....	1,396,234		7,304,622
Tribal .....	9,767	10,083,028	22,385,317
Total .....	1,406,001	10,083,028	29,689,939
Grand total .....	3,798,027	14,428,350	33,755,682

a day, in which case the royalty is 20 per cent. Competition is secured by means of sealed bids in which a bonus, in addition to the royalty, is offered for the right to carry on operations. During the fiscal year 1924 the oil rights to 70,737 acres in the Osage Reservation were sold for \$17,530,800.

The receipts from leases are used for the benefit of the individual or the tribe in the same manner as other Indian moneys.<sup>12</sup>

<sup>1</sup> See pages 190, 196.

The importance of the leasing of lands is indicated by the figures showing the income, number of leases, and area under lease during the fiscal years 1900, 1915, and 1923. These figures apply only to leases of tribal lands and restricted lands held in trust. The figures on leases of allotted land do not take account of the leases made by Indians who have received patents in fee, as the Office of Indian Affairs has no records showing their transactions.

NUMBER OF LEASES AND AREA LEASED, FISCAL YEARS 1911, 1917, 1925

Class of land	1911	1917	1925
<b>Agricultural land</b>			
Allotted			
Leases .....number..	<sup>b</sup> 19,753	20,561	°
Area .....acres..	2,528,495	2,023,788	1,710,218
Tribal			
Leases .....number..	1,706	1,063	°
Area .....acres..	183,528	434,961	11,596
Total			
Leases .....number..	21,459	21,624	°
Area .....acres..	2,712,023	2,458,749	1,721,814
<b>Grazing land</b>			
Allotted			
Leases .....number..	<sup>b</sup>	17,693	°
Area .....acres..	.....	3,267,193	5,689,407
Tribal			
Leases .....number..	5,584	340	°
Area .....acres..	5,859,325	9,042,869	4,350,938
Total			
Leases .....number..	5,584	18,033	°
Area .....acres..	5,859,325	12,310,062	10,040,345
<b>Mineral land</b>			
Leases .....number..	°	°	12,026
Area .....acres..	°	2,191,011	1,549,951

<sup>a</sup> Number of allotments leased.

<sup>b</sup> Figure given for agricultural leases includes grazing leases.

° Not reported.

*Granting Rights of Way and Easements.* Prior to 1899 all rights of way and easements over Indian land were granted by special act of Congress, but since that year various general acts have been passed relating to rights of way for railroads, telegraph and telephone lines, pipe lines, highways, power plants, transmission lines, canals, and flumes. The first general act was that of March 2, 1899 (30 Stat. L., 990), relating to railroads and telegraph and telephone

lines, the provisions relating to railroads being amended by the acts of June 21, 1906 (34 Stat. L., 330), March 3, 1909 (35 Stat. L., 781), and June 25, 1910 (36 Stat. L., 859). Rights of way for telegraph and telephone lines were further provided for by the acts of February 15, 1901 (31 Stat. L., 790), and March 3, 1901 (31 Stat. L., 1083). The act of February 15, 1901, also applied to grants of land for reservoir sites and rights of way for transmission lines, irrigation canals, and flumes and pipe lines for carrying water, but by the Federal Water Power Act of June 10, 1920 (41 Stat. L., 1063), control over power development and transmission lines was placed in the newly created Federal Power Commission. A general provision for highways was contained in the act approved March 3, 1901 (31 Stat. L., 1084), and provision was made for oil pipe lines by the act of March 11, 1904 (33 Stat. L., 65), as amended March 2, 1917 (39 Stat. L., 973).

The work in connection with rights of way and easements involves the approval of the location and the determination of the sum to be paid by the grantee for the land. The receipts are credited to the tribal funds or to the individual Indian.

*Administration of Forest Lands.* At the end of the fiscal year 1923 the timber belonging to the Indians was estimated by the Indian Office to be worth \$115,797,052, of which \$15,953,652 represented individual property and \$99,833,400 tribal property. No information is available regarding the method of making the estimate or whether the figures for individuals include any holdings by Indians who are no longer under the control of the Indian Service.

The cutting of timber on Indian lands was carried on for many years under special acts, as there was no general law on the subject until the passage of the act of February 16, 1889 (25 Stat. L., 673), which permitted the sale of dead and down timber only. Even an individual Indian holding lands under a trust patent could not cut timber except to clear the land for purposes of agriculture.<sup>48</sup> There was no provision for planning the utilization of Indian forests until the passage of the act of March 3, 1909 (35 Stat. L., 783), making appropriations for the Indian Service for the fiscal year 1910, which made available \$100,000 to enable the Commis-

<sup>48</sup> United States v. Cook, 19 Wallace 591 (1873).

sioner "to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law." The provisions of this act did not apply to the Menominee Reservation in Wisconsin, the cutting of timber and the manufacture of lumber at this place having been expressly provided for by the act of March 28, 1908 (35 Stat. L., 51).

Sections 7 and 8 of the omnibus Indian act of June 25, 1910 (36 Stat. L., 857), gave specific authority for the sale of mature timber on reservations and on allotted lands held in trust, except in Minnesota and Wisconsin, and the lands of the Osage and of the Five Civilized Tribes, the excepted lands being covered by other acts.

On January 22, 1908, the Office of Indian Affairs made a co-operative agreement by which the Forest Service was to undertake for the Indian Service the supervision of logging, the sale of timber, the protection of forests, and a detailed study of forest problems. At the outset this program could not be carried out completely, owing to the lack of appropriations, but some work was done through the use of tribal funds. This agreement remained in effect until July 17, 1909, after which date the supervision of Indian forests was entirely in the hands of officers of the Indian Service. A statement presented by the Office of Indian Affairs to the House Committee on Indian Affairs in 1919 made the following comment upon conditions during the period the agreement was in effect: "

The arrangement did not prove satisfactory. Officials of the Forest Service of the Department of Agriculture were apparently unable to adapt themselves to the regulations and policies of the Department of the Interior as to the conduct of Indian affairs. Officials of the Department of the Interior found themselves unable, as guardians of the Indians and their property, to accept many of the plans that the Forest Service formulated as to the administration of timber work or to approve many expenditures of Indian funds that the Forest Service considered essential. The

"Indians of the United States. Hearings before the House Committee on Indian Affairs, Sixty-sixth Congress, First session, p. 311.

situation seemed to be one in which one bureau was to direct the work in the field, while the officials of another bureau, having no authority or control over the field work, were to assume responsibility for the expenditure of Indian funds. The interest of the Bureau of Forestry centered in the practice of scientific forestry on Indian lands. The primary consideration from the viewpoint of the Indian Bureau was the welfare and advancement of the Indians who owned the forest property that was to be administered.

Within a year from the inauguration of the coöperative agreement, frequent complaints were being received from Indians and Indian Service officials in the field as to the ineffectiveness of the plan. The divorcement of authority from responsibility led to misunderstandings and friction in many instances. The Indians, accustomed to receive instructions and accept restraint from the superintendent and his subordinates, were reluctant to comply with restrictions imposed by men not connected with the agency force. The control of forest fires on Indian reservations in 1909 was apparently less satisfactory than before the Department of Agriculture assumed control, and no material improvement was achieved in the administration of timber-cutting operations.

Commenting before the same committee upon the coöperative arrangement, the head of the Forest Service made the following statement: “

. . . The chief difficulties, aside from any questions upon efficiency or inefficiency on particular work—which I am not really competent enough to judge in regard to that work without going into the records very completely—the chief difficulty which led me to the opinion that I had that the Indian Office could run its own forestry work was that it is held responsible for that work, and it is very difficult for another organization in a different department to take over and run it without having a place where there is a falling in of the respective responsibilities of the two bureaus; and there were some incidents, as I recall it, in connection with that Menominee work of inspection, responsibility as to scaling and something of that sort—I don’t recall the exact details—in which the Indian Office had rather expected the Forest Service to do something, and the Forest Service had expected the Indian Office to do something, and there was difficulty because there wasn’t some one organization that had the complete responsibility of the whole thing.

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<sup>40</sup> *Ibid.*, p. 396.

As I understand the problems of the Indian Office, in connection with their lands, there are a good many things which differ from what we are handling. For example, if we had the responsibility of timber sales, selling timber on a reservation like the Klamath, there are, as I understand it, a good many problems, land problems, which would affect these questions of policy and make it difficult for the Indian Office to turn over the responsibility to another department. For example, we have effected a joint sales agency with the Indian Office in the Southwest, in Arizona. We have worked out in cooperation a joint sale, but the problem on the national forests of administering that sale, of marketing the timber, looking to the use of the land afterwards, is different, as I understand it, from the problem of the Indian Office. If the Indian forest lands were set aside as permanent reservations to be utilized permanently, the timber to be used and replaced, the lands classified so that the forest lands are going to remain forest lands, the problem would be very much simpler, because then the administration of the forest lands for the Indian Bureau would be substantially the same problem that we have.

The greater part of the forestry work is in connection with tribal lands, although the Service determines whether it is advisable to cut the timber on lands held under a trust patent and supervises the operations. In the case of tribal lands the work involves the survey of the forest, the determination of the quality and quantity of timber, the construction of roads and trails, protection from fire and illegal cutting, the working out of plans for the utilization of the forest cover, and the cutting of the timber.

During the fiscal year 1925 there were twenty-one government and thirty-seven private mills operating on Indian lands. With the exception of the Neopit mill on the Menominee Reservation in Wisconsin, the plants owned and operated by the Service are small ones, generally of the portable type.

The tables on page 189 gives the Indian Service estimates of the quantity and value of timber and figures on the lumbering operations on Indian lands for various fiscal years, beginning with 1912, the first one for which detailed statistics were published. The increase in the area of timber land and the amount of timber between 1912 and 1916 does not indicate that additional lands were brought under the supervision of the Indian Service, but that more detailed surveys and estimates were made. A large part of the cost of the govern-



ment mills was expended on a single establishment—at Neopit, Wisconsin—in which the greater part of the lumber output of the Indian Service is manufactured.

DATA ON TIMBER LANDS AND LUMBER OPERATIONS, BY FISCAL YEARS

Items	1912	1916	1920	1925
<b>Area of timber land</b>				
Allotted lands—acres .....	1,555,571	1,442,043	1,102,197	867,993
Unallotted land—acres .....	5,295,868	6,080,541	5,287,849	5,829,808
Total .....	<u>6,851,439</u>	<u>7,522,584</u>	<u>6,390,046</u>	<u>6,697,801</u>
<b>Estimated amount of timber</b>				
Allotted lands—M board feet.....	6,775,767	6,754,175	5,145,443	4,447,644
Unallotted lands—M board feet.....	32,999,805	35,401,107	30,648,056	32,100,068
Total .....	<u>39,685,572</u>	<u>42,215,282</u>	<u>35,890,499</u>	<u>36,547,712</u>
<b>Estimated stumpage value</b>				
Allotted lands .....	\$11,745,511	\$11,093,545	\$10,445,622	\$11,746,517
Unallotted lands .....	72,011,067	73,682,815	73,366,901	91,484,073
Total .....	<u>\$83,756,578</u>	<u>\$84,776,360</u>	<u>\$83,812,523</u>	<u>\$103,230,590</u>
<b>Sawmills on reservations</b>				
Number				
Private .....	41	31	59	37
Government .....	36	42	28	21
Total .....	<u>77</u>	<u>73</u>	<u>87</u>	<u>58</u>
<b>Cost of sawmills on reservations</b>				
Private .....	\$314,000	\$242,500	\$655,800	\$2,144,057
Government .....	313,180	337,680	307,230	140,402
Total .....	<u>\$627,180</u>	<u>\$580,180</u>	<u>\$963,030</u>	<u>\$2,284,459</u>
<b>Timber cut</b>				
Quantity				
By the government—M board feet..	33,603	28,816	26,965	13,218
By Indians—M board feet.....	50,248	36,318	44,877	14,334
By contractors—M board feet.....	283,877	177,589	361,267	454,885
Total .....	<u>367,728</u>	<u>242,723</u>	<u>433,109</u>	<u>482,437</u>
<b>Value of lumber cut</b>				
By government .....	\$580,142	\$103,196	\$381,161	\$87,907
By Indians .....	287,192	190,156	223,397	74,690
By contractors .....	2,000,337	843,709	1,456,001	1,821,965
Total .....	<u>\$2,867,671</u>	<u>\$1,137,061</u>	<u>\$2,060,559</u>	<u>\$1,984,562</u>

The reservations containing timber areas are as follows:

Blackfeet, Montana	Navajo, Arizona
Cherokee, North Carolina	Nett Lake, Minnesota
Cœur d'Alene, Idaho	Northern Navajo, New Mexico
Colville, Washington	Northern Pueblos, New Mexico
Crow, Montana	Pine Ridge, South Dakota
Flathead, Montana	Quinalt, Washington
Fort Apache, Arizona	Red Lake, Minnesota
Fort Belknap, Montana	Round Valley, California
Fort Hall, Idaho	San Carlos, Arizona
Fort Lapwai, Idaho	Shoshone, Wyoming
Goshute, Idaho	Spokane, Washington
Grand Portage, Minnesota	Siletz, Oregon
Hayward, Wisconsin	Tongue River, Montana
Hoop Valley, California	Truxton Canyon, Arizona
Jicarilla, New Mexico	Tulalip, Washington
Klamath, Oregon	Tule River, California
Lac du Flambeau, Wisconsin	Uintah and Ouray, Utah
Leech Lake, Minnesota	Umatilla, Oregon
Makah, Washington	Warm Springs, Oregon
Mescalero, New Mexico	Yakima, Washington

**Custody of Indian Money.** The Secretary of the Interior, acting through the Office of Indian Affairs, has supervision over the funds belonging to the several tribes and the money belonging to individual Indians who have not been declared competent to manage their affairs. While the tribal funds are deposited in the Treasury, subject to the requisition of the Secretary of the Interior under the statutes relating to them, the individual funds of noncompetent Indians are deposited in banks subject to the order of the local superintendent.

*Tribal Funds.* In the early treaties with the Indian tribes the consideration was generally in the form of a lump cash payment, an annuity in money or goods for a definite term or in perpetuity, or a combination of cash payments and annuities. The treaty with the Cherokees of February 27, 1819 (7 Stat. L., 195), which was the first to create a trust fund to be held by the United States for the benefit of the tribe, provided that the proceeds from the sale of certain tracts of land should be invested under the direction of the President and the interest applied "to diffuse the benefits of education" among the Cherokees who remained in the east. There has been created from time to time a long series of trust funds, some having their origin in treaties and agreements, others in spe-

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cific or general acts of Congress, \$23,541,869 being held in trust by the United States at the end of the fiscal year 1926 for the benefit of various tribes.<sup>46</sup> Some of the older funds have been entirely disposed of, either through expenditure for the benefit of the tribe or by division among its members. The amounts held in trust at various times have been as follows:

TRUST FUNDS OF INDIAN TRIBES

Fiscal year	Bonds held in trust	Capital sum on which interest was paid but which had not been deposited in Treasury	Funds held in trust	Total amount of trust and capital obligation of the government
1840 .....	\$1,897,321.76	\$2,580,100.00	.....	\$4,477,321.76
1850 .....	2,251,959.83	5,273,100.00	.....	7,525,059.83
1860 .....	3,396,241.82	.....	.....	3,396,241.82
1870 .....	4,608,366.66	.....	.....	4,608,366.66
1880 .....	4,664,216.83	.....	\$11,010,923.39	15,675,140.22
1890 .....	.....	.....	23,760,413.00	23,760,413.00
1900 .....	.....	.....	34,317,955.09	34,317,955.09
1911 .....	.....	.....	41,843,830.00	41,843,830.00
1920 .....	.....	.....	233,863,916.00	433,863,916.00
1921 .....	.....	.....	26,590,306.00	26,590,306.00
1922 .....	.....	.....	24,937,146.00	24,937,146.00
1923 .....	.....	.....	28,718,114.00	28,718,114.00
1924 .....	.....	.....	17,904,763.00	17,904,763.00
1925 .....	.....	.....	32,544,972.00	32,544,972.00
1926 .....	.....	.....	23,541,869.00	23,541,869.00

The act of January 9, 1837 (5 Stat. L., 135), provided that the Secretary of War should invest all money on which the United States had obligated itself to pay interest to the Indians.<sup>47</sup> When the Department of the Interior was created in 1849 the control over Indian funds was transferred to the head of that Department. Owing to the lack of money in the Treasury the capital of all funds was not invested for some years, Congress making an annual appropriation for the payment of the interest, but apparently by the late fifties money was available to invest the principal.

<sup>46</sup> See page 315 for statement of amount to the credit of each tribe at end of fiscal year 1926.

<sup>47</sup> By the act of January 9, 1837, certain provisions regarding specific tribes contained in the act of June 14, 1836 (5 Stat. L., 47), were made general.

In general the funds were invested in United States or State bonds, although there were a few railroad securities. By the act of June 10, 1876 (19 Stat. L., 58), the custody of the bonds was transferred to the Treasurer of the United States, who was authorized to make all purchases and sales of bonds and stocks, but the control of the investment remained in the Secretary of the Interior. In 1880 was begun the present practice of retaining the money in the Treasury, a permanent indefinite appropriation being made to pay the interest prescribed by treaty or statute (21 Stat. L., 70). As the bonds became due the proceeds were deposited in the Treasury, and by June 30, 1898, the last had been disposed of.<sup>48</sup>

Prior to 1883 the receipts from the lease of tribal lands and the sale of reservation products had been used by the local superintendents without any general accounting to the Treasury; but the act of March 3, 1883 (22 Stat. L., 590), required the deposit of such funds in the Treasury to the credit of the tribe. Four years later, by the act of March 2, 1887 (24 Stat. L., 463), the Secretary of the Interior was given authority to use this money for the benefit of the several tribes "in such way and for such purposes as in his discretion he may think best."

The act of May 18, 1916 (39 Stat. L., 159), provided as follows:

. . . No money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments.

This act deprived the Secretary of the Interior of the authority to expend any tribal fund, whether derived from the sale of land

<sup>48</sup> During the period in which the funds were invested the government lost a considerable sum through the embezzlement of bonds to the value of \$890,000 from the Interior Department in the early part of 1861, and through the default in payment of interest on others to the value of \$1,247,666. Practically all of the bonds in default were those of states which seceded in 1861, although Arkansas had never paid interest on a refunding issue of 1842 for the amount due at that time for principal and interest. In 1862 (12 Stat. L., 539), an appropriation was made to place \$660,412.01 to the credit of certain tribes in lieu of the bonds that had been stolen. In 1894 (28 Stat. L., 312) the investment account was finally closed by reimbursements of \$83,000 on account of stolen bonds and of \$1,247,666 on account of bonds not paying interest. In addition to the principal sums mentioned above, enough money was appropriated each year to pay the interest due.

or otherwise, without specific appropriation by Congress, except for the purposes specified. It is now the practice to include most of the necessary amounts from tribal funds in the annual appropriation estimates submitted to Congress. However, tribal funds may still be expended for school purposes and per capita payments without such appropriation, in the discretion of the Secretary of the Interior, when otherwise authorized by existing law.

On February 11, 1926, the Comptroller General held that the only receipts available for expenditure were those specifically mentioned in the act of 1883, namely, "proceeds of all pasturage and sales of timber, coal or other products of any Indian reservation."<sup>48</sup> Accordingly the act of May 17, 1926 (44 Stat. L., 560), provided as follows:

That hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption "Indian moneys, proceeds of labor," and are hereby made available for expenditure, in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by section 27 of the act of May 18, 1916 (Thirty-ninth Statutes at Large, page 159).

While every member of the tribe has a proportionate interest in the undistributed tribal funds on deposit in the Treasury, no method was originally provided whereby an individual Indian could withdraw his share. The act of March 2, 1907 (34 Stat. L., 1221), authorized the Secretary of the Interior, in his discretion and upon application therefor, to withdraw and pay to any competent Indian his share of the tribal funds. The act of May 18, 1916 (39 Stat. L., 128), enlarged this authority to include the share of any incompetent Indian; not, however, to be paid in cash, but held subject to expenditure for his benefit.

The act of May 25, 1918 (40 Stat. L., 591), authorized the Secretary of the Interior to withdraw from the Treasury and segregate the common or community funds of any tribe held in trust, so as to credit an equal share to every member except those

<sup>48</sup> 69 Cong., H. rep. 897, p. 2.

whose *pro rata* shares have already been withdrawn under the act of 1907 as amended, with the proviso that any part of the tribal funds shall be excepted from segregation if needed for the support of schools or pay of tribal officers, and that the funds of any tribe shall not be segregated until the final rolls are complete.

The provision that the money should not be distributed until the rolls were complete practically nullified the act, as no authority was given for closing the rolls. Accordingly, the act of June 30, 1919 (41 Stat. L., 9), authorized the Secretary of the Interior to cause to be made a final roll of any Indian tribe for the purpose of segregating the tribal funds under the provisions of the previous act. Neither act applies to the Chippewas, the Osages, the Five Civilized Tribes, or the Menominees. Under the acts final rolls have been prepared and tribal funds distributed as follows:

FINAL ROLLS PREPARED AND TRIBAL FUNDS DISTRIBUTED  
UNDER ACT OF JUNE 30, 1919

1920		
Flathead (Montana) .....	\$695,904.44	
Sisseton (South Dakota) .....	204,228.67	
	<hr/>	\$900,133.11
1921		
Cheyenne and Arapaho (Oklahoma) .....	\$406,611.86	
Fort Hall (Idaho) .....	10,000.00	
Kiowa (Oklahoma) .....	617,720.27	
Pawnee (Oklahoma) .....	306,659.59	
Spokane (Washington) .....	28,160.00	
Yankton (South Dakota) .....	103,611.87	
	<hr/>	1,472,763.59
1922		
Otoe (Oklahoma) .....	\$2,655.48	
Pawnee (Oklahoma) .....	8,966.73	
Ponca (Oklahoma) .....	14,766.31	
Ponca (Nebraska) .....	4,287.76	
Rosebud (South Dakota) .....	1,000,000.00	
	<hr/>	1,030,676.28
1923		
Sac and Fox (Oklahoma) .....		210,051.65
1924		
Kickapoo (Kansas) .....		68,043.70
Total .....		\$3,681,668.33

The general allotment act of 1887 provided that the money paid by the United States for the purchase of the surplus lands when allotments were made in severalty should draw interest at 3 per cent and that the principal and interest should be subject to appropriation by Congress for the education and civilization of the Indians of the tribe from whom the land was purchased (24 Stat. L., 388). This general act is still in force, but it has been modified as regards particular tribes by later acts and agreements, some of the special acts providing for a per capita distribution of the proceeds from the sale of surplus lands.

Many of the earlier treaties provided for perpetual annuities in goods or money, which were paid at times to the chiefs of the tribes and at other times to the individuals, according to the laws and regulations in force. The act of April 30, 1908 (35 Stat. L., 73), authorized the Commissioner of Indian Affairs to negotiate with the several tribes for the purpose of terminating the annuities by crediting a lump sum to the credit of the tribal funds, subject to the approval of Congress. Some of the annuities have been terminated by the payment of a lump sum to the Indians, but the following are still in force:

Pawnees, in accordance with articles 2, 3, and 4 of the treaty of September 24, 1857 (11 Stat. L., 729), as amended by the agreement of November 3, 1892 (1 Kappler 498; 52 Cong. 2 sess., S. ex. doc. 16) .....	\$30,000
Senecas of New York, under act of February 19, 1831 (4 Stat. L., 442) .....	6,000
Six Nations of New York, under treaty of November 11, 1794 (7 Stat. L., 46) .....	4,500
Choctaws of Oklahoma, <sup>80</sup>	
Under treaty of November 16, 1805 (7 Stat. L., 99) .....	3,000
Under treaty of October 18, 1820 (7 Stat. L., 213) .....	600
Under treaties of October 18, 1820 (7 Stat. L., 212), and January 20, 1825 (7 Stat. L., 234) .....	6,000
Under treaty of January 20, 1825 (7 Stat. L., 235, 236) .....	6,320

At various times Congress has authorized specific tribes to sue the United States in the Court of Claims for money claimed to be due under treaties and acts of Congress. As a judgment of the Court of Claims requires an appropriation, Congress, in acts appro-

<sup>80</sup> These items were all confirmed in the treaty of June 22, 1855 (11 Stat. L., 614).

priating the money, has at times determined whether it shall be paid into the trust fund or distributed per capita.

In the case of some tribes, particularly the Osages, the ownership of the mineral rights in the land is retained in the tribe, even though the surface has been allotted in severalty. Generally, the receipts from lands go to the credit of general funds of the tribe, but in the case of the Osages, the law provides that the receipts from mineral rights shall be distributed quarterly per capita (43 Stat. L., 1008) after deducting at the beginning of the year the amount authorized by Congress to be expended from Osage funds. The law provides that if an adult Osage Indian is competent the full amount of the per capita payment is made; if an adult does not have a certificate of competency the maximum amount paid is \$1000 per quarter, unless there is a legal guardian, in which case \$1000 per quarter is paid, either to the guardian or to the Indian, in the discretion of the Secretary of the Interior; if the Indian is a minor the maximum amount payable per quarter to the parent or natural or legal guardian is \$1000 for one 18 years of age and \$500 for one under that age. Where only a portion of the per capita funds is paid the remainder is deposited at interest in bank for the benefit of the individual Indian or invested in United States, Oklahoma state, county, or school bonds.

*Money of Individuals.* The control of individual money extends only to that which belongs to Indians who have not been declared competent and which is derived from tribal funds or the proceeds of inherited or allotted lands held in trust. It does not extend to the money of Indians who have received patents in fee or whose restrictions have been removed, nor to the earnings of any Indian, regardless of his status. In the division of an estate or the distribution of tribal funds the money due a competent Indian is paid directly to him.

Receipts on account of individual Indians accrue from sales of land, proceeds of leases, per capita payments of principal of tribal funds, interest on money in banks, and proceeds of estates. There also passes through these accounts a considerable sum deposited by bidders on lands and leases, the deposits of the unsuccessful bidder being returned after the award is made.

These moneys are deposited in local banks, which give bond to insure the safety of the deposit and pay a stipulated rate of



interest. The deposit is made in one account in each bank to the credit of the superintendent, who draws his check to the order of the individual Indian. The accounts with the Indians are kept by the superintendent, who divides the interest received on the lump deposit among the individual accounts according to the amount of money in each account and the period.

The payment of money to individual Indians is almost entirely in the discretion of the local superintendent. Payments may be made by him, without specific authority from the Indian Office, of not exceeding \$100 to reasonably competent Indians, up to \$200 per annum from the proceeds of leases to incompetent adults, and such sums as may be deemed advisable for the building and repair of houses and other farm structures and the purchase of agricultural implements, livestock, and seed. For large or unusual expenditures or those of an unusual character, authority must be obtained from the Commissioner.

It is the general policy to deposit minors' funds for expenditure under supervision for their benefit, regardless of the competency of the parents, and to pay them only to parents who have been appointed legal guardians, or in some cases to a competent parent who spends the money for the benefit of the minor. Such funds are authorized for livestock and other property, medical attention, tuition, and other purposes for the benefit of the minor.

During the fiscal year 1926 the receipts on account of individual Indian money amounted to \$22,755,197, of which \$1,899,843 accrued to the Quapaws; \$3,255,812 to the Osages; \$6,558,947 to the Indians of the Five Civilized Tribes; and \$11,040,593 to the Indians of all other tribes. The disbursements totaled \$35,389,899, of which \$1,040,438 went to the Quapaws; \$17,068,013 to the Osages; \$6,878,458 to the members of the Five Civilized Tribes; and \$10,402,988 to all other Indians.

**Education of the Indian.** The education of the Indian is one of the important activities of the Indian Service, the direct appropriations for this purpose amounting to about 50 per cent of the sum now voted from government funds for the benefit of the Indians.

*Development of the Educational System.* As early as 1780 the Continental Congress made an appropriation of \$5000 for the edu-

cation of Indian students at Dartmouth College, but the purpose was to conciliate the Canadian Indians and not to promote the civilization of the Indian tribes. Educational efforts really began in a small way in 1819 with a permanent annual appropriation of \$10,000, which was paid to certain missionary societies that undertook this work. Later the treaties began to contain stipulations for the support of schools or for the pay of a teacher. In the first half of the nineteenth century the schools were generally operated by the missionary societies, although government day schools were gradually established. In 1860 the first reservation boarding school was opened on the Yakima Reservation, in Washington, and in 1879 the first nonreservation school was established at Carlisle, Pennsylvania. Indian pupils were first sent to the public schools in 1890, but only during the last twenty years have these schools been utilized to a large extent. The missionary schools, known as "contract" schools, reached their greatest extent in the fiscal year 1892, when over \$600,000, or more than one-fourth of the total appropriation for education, was expended in this way.<sup>21</sup> Beginning in 1896 the sum expended for contract schools was gradually decreased, the last appropriation used for this purpose being the one for the fiscal year 1900, although tribal funds have been used to a small extent to the present time. The tribal schools of the Five Civilized Tribes, previously operated by the tribal governments, were placed in charge of the Office of Indian Affairs in 1906 (34 Stat. L., 140), being operated first under contract and later by the Office of Indian Affairs. In 1916 a uniform course of study was provided. In 1919 an endeavor was made to limit the attendance to children of Indians under government supervision, except in cases where adequate school facilities are not available (40 Stat. L., 564), and in 1921 the Secretary of the Interior was authorized to prescribe rules to secure the enrollment and regular attendance of eligible children.

*Need for Indian Education.* The education of the Indian is a function of the national government as long as he remains a ward of the government and pays no taxes. As long as land belonging to Indian tribes or individual Indians is exempt from taxation the

<sup>21</sup> In 1892 the contract schools included some institutions that were not missionary schools, but most of them were under the control of the several denominations.

several states cannot be expected to provide schools.<sup>19</sup> The need for education and the progress during the past ten years is indicated by the table on page 200, showing the illiteracy among Indians as disclosed by the Censuses of 1910 and 1920. The census figures relating to illiteracy include only persons 10 years of age or over, and the persons classed as illiterate are those unable to write in any language, the ability to read not being given consideration. This table shows also the rate of illiteracy in 1920 among all classes of the rural population, including Indians and among the rural foreign-born whites. The rural population more closely parallels the social condition of the Indian than the population of the state as a whole, and in these states foreign-born whites have the highest illiteracy rates, with the exception of the Indians. The table does not give figures for all the states in which the Indian Office operates, but only for those states for which separate figures on the Indian population are given in the report of the Census of 1920. These states, however, include all those having a large Indian population.

In all states the illiteracy rate for all Indians is materially greater than the rate for all classes of the rural population. In five out of the sixteen states the foreign-born rural white population from 10 to 20 years of age has a greater illiteracy rate than the Indians. These are California, Nebraska, Oklahoma, Oregon, and Wyoming. In California the high rate among the whites is due probably to the Mexican and Italian elements of the population and in Oklahoma the illiteracy among the whites is due probably to the Russians and Mexicans.

The present problem of education and the success of past efforts are measured by the number of illiterate Indians from 10 to 20 years of age and the decrease in this number from 1910 to 1920. Of the illiterate Indians between 10 and 20 years of age returned in the Census of 1920, three states—Arizona, New Mexico, and Oklahoma—accounted for 80 per cent. There were 4354 or 49 per

<sup>19</sup> In a report on the results of a survey of education in Oklahoma made under the direction of the United States Commissioner of Education, it is estimated that the untaxed Indian lands in that state would yield \$1,283,000 for school purposes if taxed. For the fiscal year 1922 the total expenditure for schools in Oklahoma from federal and tribal funds amounted to \$855,000, leaving \$428,000 as the loss to educational funds as the result of the exemption of Indian lands from taxation. *Public Education in Oklahoma*, p. 319.

## ILLITERACY AMONG INDIANS, 1910 AND 1920, AND RURAL POPULATION, 1920.

[From Census Reports]

State and age period	Indians				Rural population, 1920	
	1910		1920		All classes	Foreign-born white
	Illiterate		Illiterate			
	Total	Per cent	Total	Per cent		
	Number	Per cent	Number	Per cent	Per cent illiterate	Per cent illiterate
Arizona						
10 years and over.....	20,488	72.9	14,939	67.8	20.4	32.9
10 to 20 years.....	7,438	53.5	3,088	52.5	16.8	28.2
21 years and over.....	13,030	84.0	10,951	76.1	21.8	34.2
California						
10 years and over.....	12,606	49.0	6,174	34.8	5.4	16.1
10 to 20 years.....	3,896	16.6	448	9.1	13.4	16.1
21 years and over.....	8,710	63.4	5,526	46.2	6.4	16.3
Idaho						
10 years and over.....	2,704	59.4	1,106	45.8	1.5	5.8
10 to 20 years.....	694	19.1	121	18.0	0.5	5.4
21 years and over.....	2,070	71.3	985	56.5	2.0	5.9
Minnesota						
10 years and over.....	6,988	40.2	1,968	32.0	1.8	5.5
10 to 20 years.....	2,267	12.5	109	9.0	0.3	1.1
21 years and over.....	4,221	55.2	1,799	42.1	2.5	5.6
Montana						
10 years and over.....	7,939	55.8	2,849	35.8	2.6	5.7
10 to 20 years.....	2,362	26.2	162	6.8	0.6	1.2
21 years and over.....	5,577	68.8	2,687	48.0	3.2	6.0
Nebraska						
10 years and over.....	2,600	35.5	2,095	14.2	1.0	4.5
10 to 20 years.....	959	22.0	14	2.1	0.3	3.3
21 years and over.....	1,641	48.6	284	19.9	1.4	4.6
Nevada						
10 years and over.....	4,190	71.7	2,090	53.0	7.0	9.3
10 to 20 years.....	1,152	43.0	391	17.7	3.0	9.6
21 years and over.....	3,038	82.6	1,849	66.9	7.9	9.2
New Mexico						
10 years and over.....	14,101	81.7	8,553	60.3	17.6	29.7
10 to 20 years.....	3,228	66.1	1,738	53.6	9.1	21.6
21 years and over.....	9,217	90.0	6,771	76.3	21.4	31.8

ILLITERACY AMONG INDIANS, 1910 AND 1920, AND RURAL POPULATION, 1920.—*Continued*  
 [From Census Reports]

State and age period	Indians					Rural population, 1920		
	1910			1920		All classes	Foreign-born white	Per cent illiterate
	Total	Illiterate		Total	Illiterate			
		Number	Per cent		Number	Per cent		
North Dakota								
10 years and over.....	4,654	2,142	46.0	4,542	1,344	2.2	5.7	
10 to 20 years.....	1,635	246	15.0	1,510	116	0.4	1.3	
21 years and over.....	3,019	1,896	62.8	3,022	1,228	3.1	6.0	
Oklahoma								
10 years and over.....	48,886	12,297	25.2	39,669	6,223	4.5	15.0	
10 to 20 years.....	19,288	2,226	11.7	15,561	982	2.1	20.3	
21 years and over.....	29,598	10,041	33.9	24,108	5,741	5.8	14.5	
Oregon								
10 years and over.....	3,904	1,430	36.6	3,664	847	1.4	5.0	
10 to 20 years.....	1,365	77	5.7	1,473	27	0.8	2.2	
21 years and over.....	2,538	1,353	54.9	2,191	820	1.8	5.1	
South Dakota								
10 years and over.....	14,345	6,520	45.5	11,070	2,705	1.8	4.5	
10 to 20 years.....	4,166	468	11.2	3,414	117	0.4	1.3	
21 years and over.....	10,179	6,061	59.5	8,565	2,588	2.4	4.6	
Utah								
10 years and over.....	2,290	1,001	83.0	2,026	1,249	2.5	8.3	
10 to 20 years.....	652	449	68.2	618	232	0.8	3.8	
21 years and over.....	1,638	1,452	89.0	1,408	997	3.4	8.5	
Washington								
10 years and over.....	8,101	3,708	45.8	6,714	2,127	2.0	5.1	
10 to 20 years.....	2,339	387	16.5	1,681	95	0.3	1.0	
21 years and over.....	5,762	3,321	57.6	4,733	2,032	2.5	5.4	
Wisconsin								
10 years and over.....	7,366	2,482	33.7	6,063	1,359	2.3	7.7	
10 to 20 years.....	2,470	245	9.9	2,144	56	0.4	1.2	
21 years and over.....	4,896	2,237	45.7	4,819	1,303	3.1	7.9	
Wyoming								
10 years and over.....	1,098	562	51.2	979	184	2.1	9.4	
10 to 20 years.....	363	87	23.9	271	26	0.5	5.9	
21 years and over.....	735	535	69.3	705	177	2.5	9.7	

cent in Arizona, 1782 or 20 per cent in New Mexico, and 982 or 11 per cent in Oklahoma. Of the other states only California had over 300, only Nevada between 200 and 300, six states—Idaho, Minnesota, Montana, Nevada, North Dakota, and South Dakota—between 100 and 200, and five—Nebraska, Oregon, Washington, Wisconsin, and Wyoming—less than 100.

The rate of illiteracy of the Indian population between 10 and 20 years of age decreased from 1910 to 1920 to the extent of 45 per cent or over in all the states except Arizona, Idaho, Minnesota, and Utah. In Minnesota and Utah there was a material decrease in the number of illiterates and the rate of illiteracy, in Idaho the number was the same at both censuses, although the rate decreased slightly, while in Arizona the number increased from 3988 to 4354, although the rate showed a decrease from 53.5 to 52.5 per cent.

The figures for illiteracy, given above, do not tell the whole story, as the illiteracy statistics refer only to persons 10 years of age and over. The table on page 203 shows for Indian children the number of school age, and the number and percentage attending school; and for children in rural districts it shows percentage of all classes (including the Indians) attending school. The figures for each state are divided into the age periods shown in the Census reports. School attendance in the census statistics indicates for 1920 any person who had attended school at any time between September 1, 1919, and January 1, 1920, and for 1910 it indicates persons attending school at any time between September 1, 1909, and April 15, 1910. The census figures do not indicate average attendance, the number simultaneously attending school on any specified date, or the persons enrolled; they should, however, approximate the enrollment figures, as it seems probable that most of the persons enrolled attended school at some time during the periods covered by the reports. The difference between the length of the period used for the two censuses does not materially affect the comparability of the statistics.

For all Indian children of school age enrolled, the census figures show a decrease in number from 1910 to 1920 in seven states—Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; for the percentage of Indian children

SCHOOL ATTENDANCE, 1910 AND 1920 <sup>a</sup>

State and age period	Indians						All classes in rural districts attending school <sup>b</sup>	
	1910			1920			1910	1920
	Total of school age	Attending school		Total of school age	Attending school		Percentage of children of school age	Percentage of children of school age
		Number	Per cent		Number	Per cent		
Arizona								
5 to 20 years.....	11,742	3,515	30.9	13,046	4,071	31.2	48.0	53.1
5 and 6 years.....	1,864	180	10.5	253	214	12.4	20.1	28.5
7 to 13 years.....	5,268	1,907	35.8	5,057	2,214	37.2	67.7	74.3
14 and 15 years.....	1,271	627	45.7	1,598	701	43.9	.....	.....
16 and 17 years.....	1,281	456	35.5	1,207	491	37.9	.....	.....
18 to 20 years.....	1,990	356	16.9	2,150	412	19.2	.....	.....
14 to 20 years.....	4,612	1,419	30.8	5,045	1,664	31.8	37.0	37.4
California								
5 to 20 years.....	5,850	3,003	51.3	6,152	3,716	60.4	61.6	68.5
5 and 6 years.....	798	109	12.2	758	240	28.6	27.1	41.2
7 to 13 years.....	2,576	1,052	41.8	2,755	2,220	80.9	90.0	92.7
14 and 15 years.....	550	277	50.5	727	540	74.3	.....	.....
16 and 17 years.....	713	353	55.1	733	404	55.1	.....	.....
18 to 20 years.....	1,453	283	24.7	1,609	303	27.6	.....	.....
14 to 20 years.....	2,474	1,182	47.8	2,559	1,247	48.7	44.5	49.3
Idaho								
5 to 20 years.....	1,008	386	38.3	1,009	521	51.6	64.7	71.8
5 and 6 years.....	157	10	6.4	132	25	18.9	23.8	27.5
7 to 13 years.....	442	223	49.5	483	344	71.2	87.1	95.5
14 and 15 years.....	124	76	57.6	123	77	62.6	.....	.....
16 and 17 years.....	107	47	43.9	128	26	16.5	.....	.....
18 to 20 years.....	170	30	17.0	158	152	38.6	54.6	54.7
14 to 20 years.....	409	153	37.4	394	152	38.6	.....	.....
Minnesota								
5 to 20 years.....	3,548	2,384	67.2	3,130	1,533	49.0	66.6	65.7
5 and 6 years.....	446	210	38.5	511	80	15.7	35.9	37.8
7 to 13 years.....	1,656	1,346	81.3	1,537	1,052	68.4	92.6	93.5
14 and 15 years.....	412	349	84.7	343	216	63.0	.....	.....
16 and 17 years.....	376	267	71.0	308	120	39.0	.....	.....
18 to 20 years.....	558	212	38.0	431	65	15.1	.....	.....
14 to 20 years.....	1,346	828	61.5	1,082	401	37.1	48.1	43.4

<sup>a</sup> Compiled from Vol. 2 of Fourteenth Census.

<sup>b</sup> Separate figures for 14 and 15, 16 and 17, and 18 to 20 years are not given for school attendance in rural districts.

SCHOOL ATTENDANCE, 1910 AND 1920, <sup>a</sup>—Continued

State and age period	Indians						All classes in rural districts attending school <sup>b</sup>	
	1910			1920			1910	1920
	Total of school age	Attending school		Total of school age	Attending school		Percentage of children of school age	Percentage of children of school age
		Number	Per cent		Number	Per cent		
<b>Montana</b>								
5 to 20 years.....	3,711	1,458	41.8	3,384	2,066	61.6	59.4	70.0
5 and 6 years.....	1,484	875	59.0	1,670	1,114	66.7	38.5	44.1
7 to 13 years.....	1,740	875	50.3	1,793	1,232	68.7	85.5	92.1
14 and 15 years.....	440	277	63.0	420	327	77.9	....	....
16 and 17 years.....	366	192	52.5	387	322	83.2	....	....
18 to 20 years.....	572	339	59.3	575	111	19.3	....	....
14 to 20 years.....	1,408	608	43.2	1,382	660	48.0	....	52.8
<b>Nebraska</b>								
5 to 20 years.....	1,389	779	56.1	1,664	620	38.3	67.7	70.1
5 and 6 years.....	1,070	533	50.0	1,377	380	28.2	48.2	59.6
7 to 13 years.....	1,241	641	51.6	1,281	388	30.3	92.7	93.4
14 and 15 years.....	254	154	61.5	231	88	38.1	....	....
16 and 17 years.....	119	119	100.0	116	57	49.1	....	....
18 to 20 years.....	261	81	31.0	165	34	20.6	....	....
14 to 20 years.....	689	354	51.3	402	179	44.5	48.0	46.4
<b>Nevada</b>								
5 to 20 years.....	1,680	681	40.5	1,672	912	54.5	58.7	64.6
5 and 6 years.....	215	133	61.9	258	57	22.1	33.5	41.0
7 to 13 years.....	714	381	53.4	713	571	80.1	87.5	89.8
14 and 15 years.....	311	181	58.2	311	171	55.0	....	....
16 and 17 years.....	173	73	42.2	179	702	39.1	....	....
18 to 20 years.....	359	60	16.7	286	89	30.8	....	....
14 to 20 years.....	751	267	35.6	681	344	50.5	39.4	50.6
<b>New Mexico</b>								
5 to 20 years.....	7,983	1,913	24.0	8,221	4,261	51.8	56.8	63.0
5 and 6 years.....	1,355	188	13.9	1,154	347	30.1	29.4	30.7
7 to 13 years.....	3,607	1,236	34.5	3,849	2,322	60.6	75.6	86.4
14 and 15 years.....	268	145	54.1	245	60	24.5	....	....
16 and 17 years.....	745	149	20.0	640	415	64.8	....	....
18 to 20 years.....	1,183	151	12.7	1,147	236	20.6	....	....
14 to 20 years.....	3,021	589	19.5	3,228	1,352	41.9	46.0	44.5

<sup>a</sup> Compiled from Vol. 3 of Fourteenth Census.<sup>b</sup> Separate figures for 14 and 15, 16 and 17, and 18 to 20 years are not given for school attendance in rural districts.



SCHOOL ATTENDANCE, 1910 AND 1920,\*—Continued

State and age period	Indians				All classes in rural districts attending school <sup>b</sup>			
	1910		1920		1910	1920		
	Total of school age	Attending school		Total of school age	Attending school		Percentage of children of school age	Percentage of children of school age
		Number	Per cent		Number	Per cent		
North Dakota								
5 to 20 years.....	2,519	1,444	57.3	2,334	1,007	43.1	59.8	67.5
5 and 6 years.....	350	48	13.7	335	30	9.0	28.3	33.1
7 to 13 years.....	1,209	849	70.2	1,142	628	54.7	85.8	91.8
14 and 15 years.....	328	260	82.0	255	148	58.0	.....	.....
16 and 17 years.....	280	175	62.5	243	123	50.6	.....	.....
18 to 20 years.....	352	103	29.3	359	81	22.6	.....	.....
14 to 20 years.....	960	547	57.0	857	352	41.1	43.0	49.7
Oklahoma								
5 to 20 years.....	31,195	18,770	60.3	24,679	15,574	63.1	64.1	62.7
5 and 6 years.....	3,567	1,287	24.7	3,765	1,024	20.0	28.8	32.0
7 to 13 years.....	14,202	11,089	77.5	11,699	9,615	80.1	85.8	83.7
14 and 15 years.....	3,666	3,025	81.8	2,955	2,432	82.3	.....	.....
16 and 17 years.....	3,337	2,143	64.2	2,617	1,605	61.3	.....	.....
18 to 20 years.....	4,754	1,285	27.1	3,343	890	24.8	.....	.....
14 to 20 years.....	11,787	6,454	54.8	8,915	4,867	54.6	52.9	47.8
Oregon								
5 to 20 years.....	1,933	1,411	73.0	1,946	1,456	73.3	64.8	71.2
5 and 6 years.....	239	74	31.0	199	38	19.1	27.2	34.6
7 to 13 years.....	122	696	84.7	738	628	85.1	90.0	93.7
14 and 15 years.....	283	260	91.9	322	295	91.6	.....	.....
16 and 17 years.....	247	194	78.5	309	246	79.6	.....	.....
18 to 20 years.....	181	187	54.7	219	219	57.9	.....	.....
14 to 20 years.....	872	641	73.5	1,009	760	75.3	51.0	54.3
South Dakota								
5 to 20 years.....	6,390	3,408	53.3	5,512	3,248	58.9	62.5	67.6
5 and 6 years.....	939	152	16.2	870	170	20.2	30.5	39.9
7 to 13 years.....	2,922	1,896	64.9	2,632	2,082	79.1	87.2	93.3
14 and 15 years.....	743	586	78.9	561	469	83.6	.....	.....
16 and 17 years.....	672	468	69.8	353	337	61.1	.....	.....
18 to 20 years.....	1,114	365	27.5	897	184	20.5	.....	.....
14 to 20 years.....	2,529	1,360	53.8	2,010	990	49.3	46.9	47.4

\* Compiled from Vol. 3 of Fourteenth Census.

<sup>b</sup> Separate figures for 14 and 15, 16 and 17, and 18 to 20 years are not given for school attendance in rural districts.

SCHOOL ATTENDANCE, 1910 AND 1920, <sup>a</sup>—Continued

State and age period	Indians						All classes in rural districts attending school <sup>b</sup>	
	1910			1920			1910	1920
	Total of school age	Attending school		Total of school age	Attending school		Percentage of children of school age	Percentage of children of school age
		Number	Per cent		Number	Per cent		
Utah								
5 to 20 years.....	1,035	103	10.0	975	390	40.0	65.9	73.1
5 and 6 years.....	107	10	6.0	147	37	25.8	34.4	34.8
7 to 13 years.....	401	15	16.9	460	231	50.3	90.3	95.3
14 and 15 years.....	168	13	16.7	183	35	43.3	.....	.....
16 and 17 years.....	19	11	11.0	94	26	27.7	.....	.....
18 to 20 years.....	206	8	4.4	164	17	10.4	.....	.....
14 to 20 years.....	407	38	9.3	348	82	23.6	54.0	60.4
Washington								
5 to 20 years.....	3,733	1,759	47.1	3,120	1,799	57.7	63.9	69.7
5 and 6 years.....	605	109	18.0	482	124	25.7	20.0	34.8
7 to 13 years.....	1,716	1,070	62.4	1,439	1,148	79.8	90.5	94.5
14 and 15 years.....	408	267	65.0	368	198	53.8	.....	.....
16 and 17 years.....	491	191	45.4	332	163	49.1	.....	.....
18 to 20 years.....	593	132	22.6	479	106	22.1	.....	.....
14 to 20 years.....	1,412	380	27.1	1,259	377	30.0	48.6	51.4
Wisconsin								
5 to 20 years.....	3,867	2,302	61.9	3,459	2,159	62.4	65.3	64.1
5 and 6 years.....	536	169	31.5	531	173	32.4	50.6	43.6
7 to 13 years.....	1,520	1,547	80.2	1,659	1,420	85.6	93.4	93.4
14 and 15 years.....	408	361	76.5	397	311	78.3	.....	.....
16 and 17 years.....	395	203	51.4	348	174	50.0	.....	.....
18 to 20 years.....	508	92	18.1	504	81	16.1	.....	.....
14 to 20 years.....	1,401	676	48.2	1,249	566	45.3	40.1	36.8
Wyoming								
5 to 20 years.....	593	204	34.4	412	269	70.1	59.0	68.5
5 and 6 years.....	98	13	13.3	137	24	17.5	30.0	41.9
7 to 13 years.....	286	174	60.8	265	168	63.0	87.9	92.8
14 and 15 years.....	45	42	93.3	40	43	107.5	.....	.....
16 and 17 years.....	38	38	100.0	40	47	117.5	.....	.....
18 to 20 years.....	65	23	35.4	57	14	24.6	.....	.....
14 to 20 years.....	169	107	63.3	176	104	59.1	42.0	47.8

<sup>a</sup> Compiled from Vol. 3 of Fourteenth Census.<sup>b</sup> Separate figures for 14 and 15, 16 and 17, and 18 to 20 years are not given for school attendance in rural districts.

enrolled they show a decrease in Minnesota and North Dakota only; for Indian children between 14 to 20 years there is a decrease in the percentage enrolled in Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming.

If the attendance of Indians is compared with that of all classes of the rural population, it is found that in 1910 the Indian percentage was higher for all ages in Minnesota and Oregon, and for the years 14 to 20 in California, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Wisconsin, and Wyoming. If the same comparison is made in 1920 it is found that the Indian percentage was higher for all ages in Oklahoma, Oregon, and Wyoming, and for the years 14 to 20 in Oklahoma, Oregon, South Dakota, Wisconsin, and Wyoming. This seems to indicate that between 1910 and 1920 the Indian attendance for all ages increased more rapidly than the attendance of all classes for Oklahoma and Wyoming, and that for the years 14 to 20 the Indian attendance did not keep pace with that of all classes in California, Minnesota, Montana, Nebraska, and North Dakota.

The census figures have been used, as they are the only ones available which enable a comparison to be made between the Indians and other classes of the population. The table on page 209 gives figures from the Indian Office reports for the fiscal years 1900, 1912, 1916, 1920, and 1926 in order to present a broad view of the situation over a number of years. The figures for 1900 are not comparable with those for later years, as they show enrollment by location of schools and not by homes of Indians; the fiscal year 1912 was the first one in which the nonreservation school pupils were distributed according to states of residence. The table gives statistics for Indians of all classes, regardless of whether the Indian is educated at the expense of the government or at the expense of the states. It, therefore, indicates the progress of the education of the Indian and not the extent of the educational efforts of the government.<sup>23</sup> No statistics are published showing the distribution in public schools of pupils whose tuition is paid by the government. Enrollment instead of average attendance is given in the table because the average attendance figures are not available for the pupils in public schools, and it is impossible to prepare a

<sup>23</sup> For these figures, see page 320.

table showing average attendance for the entire Indian school population. The enrollment is, of course, considerably greater than the average attendance. The figures for Alaska, New York, and Pennsylvania have no significance, as they do not comprise the total Indian population.

Figures in the table showing an increase in the number of children of school age indicate probably not an increase in number of children, but better enumeration. For instance, it seems hardly possible that the children of school age should comprise 16 per cent of the Indian population in 1912 and 28 per cent in 1916. It is, therefore, evident that there is a considerable margin of error and that the figures for the several years may not be comparable. As the enrollment figures are taken from school records, they are more likely to be correct than those showing the total children of school age, which must be collected in the field.

The figures for 1920 in the table on page 209 cannot be reconciled with the census figures in the table on page 203. While the Indian Office figures for children in school are for enrollment during the school year and the Census Bureau figures for attendance at any time between September 1, and January 1, the result of two enumerations should be approximately the same or they should show a fairly constant rate of variation, which is not the case. Another cause for discrepancy is the lack of definition by both the Indian Office and the Census Bureau of what is considered an Indian. This accounts to a large degree to the variation in the figures for Oklahoma where the freedmen of the Five Civilized Tribes would be classed as negroes by the Census Bureau and as Indians by the Indian Office. In the other states, however, discrepancies due to this fact should either cancel each other or show a constant trend.

In two states only are the two enumerations of school attendance in substantial agreement. In three states the Census reports show more than the Indian Office figures, the totals being 6077 and 4503. In ten states the Census Bureau shows 19,522 and the Indian Office 26,322. In Oklahoma the Census Bureau figures are 15,574 and those of the Indian Office 25,852. For all states except Oklahoma the Census Bureau shows 28,018 and the Indian Office, 33,259.

As regards total number of school age there is even wider disagreement. For three states the figures are substantially the

# ACTIVITIES

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SCHOOL POPULATION AND ENROLLMENT \*

State	1900			1912			1916			1920			1926		
	Enrollment	Total of school age	Enrolled	Eligibles not enrolled	Total of school age	Enrolled	Eligibles not enrolled	Total of school age	Enrolled	Percentage enrolled	Eligibles not enrolled	Total of school age	Enrolled	Percentage enrolled	Eligibles not enrolled
Alaska	.....	141	.....	.....	303	303	.....	385	328	100.0	.....	385	328	100.0	.....
Arizona	2,526	10,125	4,605	4,407	12,408	5,382	5,882	12,045	5,083	85.6	6,977	11,676	8,213	70.0	2,123
California	1,633	2,941	2,020	655	4,322	3,231	738	4,812	4,120	36.6	424	4,240	3,740	88.2	170
Colorado	595	266	108	145	275	126	162	202	107	.....	141	237	180	75.9	34
Florida	.....	.....	.....	.....	171	.....	152	137	.....	.....	137	152	.....	.....	.....
Illinois	319	999	600	94	1,142	778	162	958	687	71.0	71	934	716	76.6	52
Iowa	49	107	62	21	104	135	176	97	94	96.9	.....	114	100	87.7	9
Kansas	905	523	303	130	577	369	176	566	701	95.7	.....	510	345	67.6	.....
Michigan	479	668	626	661	777	844	653	748	2,275	93.7	1,179	4,419	3,622	81.9	95
Minnesota	952	3,280	2,052	661	3,615	2,533	653	4,010	2,701	96.9	.....	4,419	3,622	81.9	95
Mississippi	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montana	1,528	3,307	2,145	811	3,204	2,122	701	3,519	2,730	78.1	330	504	3,339	2,730	78.1
Nebraska	901	1,143	852	214	1,242	899	247	2,188	1,656	69.7	148	1,448	1,336	89.0	30
Nevada	332	763	579	110	1,248	978	640	2,188	1,279	58.5	1,697	1,375	1,375	86.3	30
New Mexico	1,810	7,221	2,272	4,699	7,095	2,072	3,048	7,018	3,366	47.1	2,973	5,310	4,812	82.7	520
New York	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
North Carolina	158	721	466	111	1,139	139	1,000	1,000	1,000	100.0	.....	1,000	1,000	100.0	.....
North Dakota	1,529	2,480	1,442	635	2,717	1,442	1,275	2,072	1,624	83.6	1,289	3,126	2,373	75.8	272
Ohio	2,880	21,028	12,766	2,668	29,012	16,112	6,622	30,072	25,822	85.5	4,720	31,317	27,493	87.8	2,618
Oklahoma	1,188	4,141	2,693	1,127	3,412	2,312	738	1,128	938	82.3	73	1,172	870	74.2	185
Oregon	1,337	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pennsylvania	3,046	5,713	4,093	880	5,934	4,586	921	6,548	4,877	74.6	976	7,006	5,017	83.4	309
South Dakota	175	356	140	160	411	202	181	469	269	57.3	89	383	317	82.8	.....
Utah	143	2	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Virginia	1,212	2,408	1,302	651	3,000	2,016	846	2,733	1,808	66.1	627	2,335	2,280	80.4	41
Washington	1,604	2,595	1,918	438	2,922	2,274	634	3,270	2,374	72.6	720	2,990	1,719	81.9	32
Wisconsin	250	348	270	270	464	364	41	449	253	76.6	82	511	432	84.4	48
Wyoming	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Scattered Indians	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	26,451	72,603	46,131	18,965	86,730	61,243	17,664	88,459	61,800	69.9	21,056	84,553	69,892	82.7	7,244

\* From reports of Commissioner of Indian Affairs. <sup>b</sup> Not reported. <sup>c</sup> Including Indian Territory except Five Civilized Tribes. <sup>d</sup> Does not include Five Civilized Tribes. <sup>e</sup> Students at Carlisle School and Lincoln Institution. <sup>f</sup> Students at Hampton Institute.

same. In eight states the Census Bureau shows a larger Indian school population, its figures being 28,731, while those of the Indian Office are 23,847. In four states the Indian Office reports the larger number, the totals being 15,740 and 12,648. In Oklahoma the Census Bureau shows 24,679 and the Indian Office 30,972. For all the states except Oklahoma the Census Bureau total is 55,846, and that of the Indian Office is 53,949.

Not only is there a discrepancy between the official figures for school population and school attendance, there is an even wider divergence in the percentages of school population attending school. In only one state—New Mexico—is the percentage higher in the Census statistics, the percentages being 51.8 and 47.1. In the other states the percentages are closest in Nevada, 54.5 and 58.5, and farthest apart in California, 60.4 and 85.6.

The two reports agree that the states having greatest number of children not in school are Arizona, New Mexico, and Oklahoma, the figures being as follows:

CHILDREN NOT IN SCHOOL IN ARIZONA, NEW MEXICO,  
AND OKLAHOMA

State	Census Bureau	Indian Office
Arizona .....	8975	6862
New Mexico .....	3970	3714
Oklahoma .....	9105	5120

There are no figures available to show what proportion of the Indians of school age in Oklahoma are children of taxpayers and should, thus, be educated at the expense of the state, but in Arizona and New Mexico practically all of the Indians are still wards of the national government and their property is exempt from taxation. It is in these states, therefore, that the educational activities of the Indian Service will probably expand in the next few years. In Arizona, particularly, where as a result of the climatic and physical features of the region the Indians are largely sheep raisers and lead a nomadic existence, the problem of proper schooling is a difficult one.

*Kinds of Schools.* Indian children are educated in government schools, in mission schools, in one state boarding school, and in the public schools. During the fiscal year 1926 the government schools

operated by the Indian Service comprised eighteen nonreservation boarding schools, fifty-nine reservation and tribal boarding schools, and 131 day schools. The nonreservation schools offer the highest courses of instruction afforded by the Indian school system. They draw their pupils from all the states in which there is an Indian population, but each school is restricted to the territory assigned to it by the Commissioner. Several acts passed in 1894 and 1895 prohibit Indian children being sent to a school not in the state in which they reside without the written consent of the parent, guardian, or next of kin (28 Stat. L., 313, 906; 29 Stat. L., 348).<sup>4</sup> By the act of March 3, 1909 (35 Stat. L., 783), Indian children under 14 years of age may not be transported at government expense beyond the limits of the state in which they reside or the adjoining state. The smaller of these schools give instruction in the prevocational and the first and second year vocational grades, while the larger ones give four years in the vocational grades. The courses do not extend beyond the ninth grade of the public school system in the smaller nonreservation schools and beyond the twelfth grade in the larger schools.

The reservation boarding schools recruit their pupils from the immediate reservation or from neighboring reservations on which there are no schools of this character. The tribal boarding schools for children of the Five Civilized Tribes are of the same character as the reservation schools and are here treated as reservation schools. The larger reservation boarding schools offer instruction up to the ninth grade of the public schools and the smaller ones up to the sixth grade. In some areas, particularly in the southwest, where the Indians are so widely scattered that it is impracticable to maintain day schools, the reservation schools are used also for primary instruction.

The day schools are scattered over many reservations and give elementary courses.

Theoretically, government schools of all three classes may be established or discontinued at the discretion of the Commissioner of

<sup>4</sup> These acts were passed to abolish the former practice of soliciting for students by the officers of the nonreservation schools. The act of 1895 (28 Stat. L., 906) made it unlawful for Indian agents to withhold rations or to use other improper means to induce parents to send children beyond the limits of the reservation.

Indian Affairs, but in establishing reservation and nonreservation boarding schools the Commissioner is limited practically by the necessity of obtaining specific appropriations for building and equipment, the general appropriation not being sufficient for extensive new undertakings. The Commissioner, however, with the approval of the Secretary of the Interior, may enlarge school buildings, and plants from the proceeds of the sale of reservation schools which he may deem no longer desirable (33 Stat. L., 211). Recent appropriation acts require the discontinuance of nonreservation schools with an average attendance of less than eighty pupils, of reservation schools of less than forty-five pupils, and of day schools of less than eight pupils.

Mission schools were the earliest schools used for the education of the Indians, some of them being subsidized by the government and some being maintained solely by their own funds. From about 1870 formal contracts were made with the subsidized mission schools, and they have since been generally known as contract schools. In 1886 the expenditure for contract schools amounted to \$228,259 or approximately 21 per cent of the total appropriation for education; by 1892 the amount allotted to these schools had increased to \$611,570 or approximately 27 per cent of the amount available for schools.

The Indian Office on its own initiative in 1893, 1894, and 1895 reduced the amount available for contract schools, and Congress in the appropriation act for the fiscal year 1896 provided that contracts should not be made with additional schools and that with schools already under contract the payments should not exceed 80 per cent of the amount available for the fiscal year 1895 (28 Stat. L., 904). In the appropriation act for the fiscal year 1897 it was declared "to be the settled policy of the government to hereafter make no appropriation whatever for education in any sectarian school," but contracts were authorized "to an amount not exceeding fifty per centum of the amount so used for the fiscal year 1895 (29 Stat. L., 345). For the fiscal years 1898, 1899, and 1900, the amount available for sectarian schools was progressively reduced, and in the act for the fiscal year 1901 the authority for contracts with sectarian schools was omitted. In 1905 contracts were again made with sectarian schools, the money being taken



from tribal funds on the request of the Indians. The use of tribal funds for this purpose was challenged as being contrary to the policy declared in the appropriation act for the fiscal year 1897, but the Supreme Court decided that both trust funds held in the Treasury and money appropriated under treaty stipulations belong to the Indians, and could be used for sectarian schools, a part of the decision being as follows:

. . . The only difference [between Treaty Funds and Trust Funds] is that in the "Treaty Fund" the debt to the Indians created and secured by the treaty is paid by annual appropriations. They are not gratuitous appropriations of public moneys, but the payment, as we repeat, of a treaty debt in installments. We perceive no justification for applying the proviso or declaration of policy to the payment of treaty obligations, the two things being distinct and different in nature and having no relation to each other, except that both are technically appropriations.

\* \* \* \*

. . . The Court of Appeals well said:

"The 'Treaty' and 'Trust' moneys are the only moneys that the Indians can lay claim to as a matter of right; the only sums on which they are entitled to rely as theirs for education; and while these moneys are not delivered to them in hand, yet the money must not only be provided, but be expended, for their benefit and in part for their education; it seems inconceivable that Congress should have intended to prohibit them from receiving religious education at their own cost if they so desired it; such an intent would be one 'to prohibit the free exercise of religion' amongst the Indians, and such would be the effect of the construction for which the complainants contend."<sup>88</sup>

The government exercises no control over the contract schools, except to see that the courses approximate those in the government schools and that the children are properly protected.

The noncontract mission boarding and day schools are maintained entirely by the several denominations, except that rations are issued to the boarding schools if the child would have been entitled to rations if he were living at home (34 Stat. L., 326). The attendance of children at noncontract mission and day schools is entirely optional with the parents.

<sup>88</sup> Quick Bear v. Leupp, 210 U. S. pp. 81-82 (1908).

Public schools are utilized when they are of convenient access and the children are accepted as students. Payment is made to the public school authorities on the basis of the average cost per child of operating the school, the amount available for the fiscal year 1928 being \$350,000. Public schools were first used in 1890, but only within the last twenty years have large numbers of pupils been

NUMBER OF SCHOOLS, EXCEPT PUBLIC SCHOOLS, BY FISCAL YEARS

Class of school	1900	1912	1916	1920	1924	1926
Government schools						
Nonreservation boarding .....	25	23	25	19	18	18
Reservation and tribal boarding	81	87	85	71	58	59
Day .....	147	216	217	187	148	131
Total .....	253	326	327	277	224	208
Mission and private schools and state institutions						
Boarding schools						
Contract						
Mission .....	28	<sup>a</sup>	9	17	18	18
State .....	...	1	1	1	1	...
Private .....	2	2	1	1	...	...
Total contract .....	30	3	11	19	19	18
Noncontract mission .....	17	<sup>a</sup> 57	42	34	36	34
Day schools						
Contract mission .....	2	...	...	...	...	...
Noncontract mission .....	5	13	23	19	27	34
Total .....	7	13	23	19	27	34
Total .....	307	399	403	349	306	294

<sup>a</sup> Contract and noncontract mission schools not shown separately in report for 1912.

sent to them. Tuition in public schools is given only to Indians who are wards of the government, as these Indians are not taxed and contribute nothing to the support of the school system. Indians who have received patents in fee or certificates of competency and whose property is subject to taxation are entitled to the benefits of the public school system.

The table on this page shows the number of schools available for Indian children at several periods beginning with 1900. This

table does not give any figures for public schools, as these are not shown in the reports. All three classes of government schools show a steady decline since 1912. The boarding schools, both reservation and nonreservation, have decreased as the result of consolidation of the smaller schools and because the Indian population has progressed enough in some localities to render separate schools unnecessary. The decline in the number of day schools is due to the opening of reservations, the influx of white settlers, and the education of Indian children in the public schools. In his report for 1922 the Commissioner of Indian Affairs stated that it "will not be necessary to build any more government schools except in the Southwest, and possibly in Montana."<sup>80</sup>

The contract mission boarding schools have increased from nine in 1916 to eighteen in 1926, while the noncontract mission boarding schools have decreased from forty-two in 1916 to thirty-four in 1926. The number of noncontract mission day schools dropped from twenty-three in 1916 to nineteen in 1920, but again rose to thirty-four in 1926.

The capacity and enrollment of the several classes of schools are shown in the table on page 216. As probably many government boarding schools are overcrowded, the figures for capacity may not indicate capacity according to the best standards. In the case of the public schools the figures for capacity and enrollment are the same, as it is not practical to indicate the available capacity of public schools throughout the Indian country. In the case of the other schools the enrollment is in some cases in excess of the capacity, but the average attendance is materially less than the enrollment. This table gives data on the schooling of all Indian children and not on those educated by the government. In the case of the noncontract mission day schools the government is under no expense, and in the case of the noncontract boarding schools the only expense is for the rations issued. The figures for public schools include all pupils, regardless of whether the government pays tuition or the child attends without cost by reason of its parents being citizens and taxpayers. The reports of the Office of Indian Affairs do not differentiate between these classes of students in the public schools.

<sup>80</sup> Commissioner of Indian Affairs, Annual Report, 1922, p. 4.

## TOTAL CAPACITY AND ENROLLMENT OF SCHOOLS BY FISCAL YEARS

Class of school	1900	1912	1916	1920	1924	1926
<b>Capacity</b>						
Government schools						
Nonreservation boarding..	6,770	6,923	9,547	7,386	8,645	9,100
Reservation and tribal boarding .....	9,715	10,091	9,371	9,891	9,336	10,872
Day .....	5,094	7,960	8,039	7,151	6,177	5,444
Total .....	<u>21,579</u>	<u>24,974</u>	<u>26,957</u>	<u>24,428</u>	<u>24,158</u>	<u>25,416</u>
Mission and private schools						
Boarding .....	5,526	5,625	5,380	5,932	6,468	6,864
Day .....	355	365	1,357	1,080	1,605	2,113
Total .....	<u>5,881</u>	<u>5,990</u>	<u>6,737</u>	<u>7,012</u>	<u>8,073</u>	<u>8,977</u>
Public schools .....	<u>246</u>	<u>17,148</u>	<u>28,463</u>	<u>30,858</u>	<u>34,834</u>	<u>37,730</u>
Total for all schools	<u>27,706</u>	<u>48,112</u>	<u>62,157</u>	<u>62,298</u>	<u>67,065</u>	<u>72,123</u>
<b>Enrollment</b>						
Government schools						
Nonreservation boarding	7,430	7,662	10,612	10,198	9,163	8,809
Reservation and tribal boarding .....	9,604	10,262	10,012	9,433	9,422	11,283
Day .....	5,090	6,417	7,140	5,765	5,004	4,499
Total .....	<u>22,124</u>	<u>24,341</u>	<u>27,764</u>	<u>25,396</u>	<u>23,589</u>	<u>24,591</u>
Mission, state and private schools						
Boarding schools						
Contract .....	2,776	1,667	1,172	2,028	2,133	2,265
Noncontract .....	1,062	2,707	3,158	2,845	3,736	3,678
Total .....	<u>3,838</u>	<u>4,374</u>	<u>4,330</u>	<u>4,873</u>	<u>5,869</u>	<u>5,943</u>
Day schools						
Contract .....	30	.....	.....	.....	.....	.....
Noncontract .....	213	405	686	673	1,192	1,628
Total .....	<u>243</u>	<u>405</u>	<u>686</u>	<u>673</u>	<u>1,192</u>	<u>1,628</u>
Public schools .....	<u>246</u>	<u>17,011</u>	<u>28,463</u>	<u>30,858</u>	<u>34,834</u>	<u>37,730</u>
Total for all schools	<u>26,451</u>	<u>46,131</u>	<u>61,243</u>	<u>61,800</u>	<u>65,484</u>	<u>69,892</u>
Total enrollment for all schools except public schools....	26,205	29,120	32,780	30,942	30,650	32,162
Average attendance in all schools except public schools	21,450	25,234	25,302	23,248	26,495	29,158
Eligible pupils not enrolled...	18,962	18,962	17,367	21,056	15,512	7,244

The total for all classes of government schools shows an increase in enrollment up to 1916 and a decrease since that year. In the contract mission boarding schools the trend is exactly the reverse; there is a decrease up to 1916 and an increase from 1916 to 1923. The government schools and the contract mission boarding schools together show the same trend as the government schools—an increase to 1916 and a decrease since that time. The noncontract mission boarding schools enrollment increased to 1916, fell off in 1920, but was greater in 1924 and 1926. The mission day schools increased their enrollment up to 1916, declined slightly in 1920, and showed increases again in later years. In the public schools the enrollment increased to a marked degree to 1916, with smaller increases in later years. All of the schools together show the same trend as the public schools.

*Course of Study.* The education in the Indian schools maintained by the government is essentially vocational. The instruction in the day schools is entirely primary and corresponds to the elementary grades of the public schools; all of the reservation boarding schools give the primary courses and in addition the larger ones give prevocational courses corresponding to the grades six to nine in the public schools; in the larger nonreservation schools, the courses extend to the twelfth grade of the public schools. The aim of the school system is summed up in the Course of Study as follows: "

Indian schools must train the Indian youth of both sexes to take upon themselves the duties and responsibilities of citizenship. To do this requires a system of schools and an organization capable of preparing the Indian young people to earn a living (1) among their own people or (2) away from the reservation home and in competition with their white brethren. This does not contemplate a college or university, but a practical system of schools with an essentially vocational foundation. In other words, the Indian needs a school that will fit him as fully as possible for the life of his immediate future and the changing conditions that may mark his remoter future. The school should accomplish this as quickly as is compatible with thoroughness.

The economic needs of all people—of the Indian especially—"demand that the schools provide for instruction along eminently practical lines. To this end industrial schools have been established

" Course of Study for United States Indian Schools, pp. 1-3.

in which the culture value of education is not neglected, but rather subordinated to the practical needs of the child's environment. They aim to provide that form of training and instruction which leads directly to self-support and productive efficiency."

In our Indian schools a large amount of productive work is necessary. They could not possibly be maintained on the amounts appropriated by Congress for their support were it not for the fact that students are required to do the washing, ironing, baking, cooking, sewing; to care for the dairy, farm, garden, grounds, buildings, etc.—an amount of labor that has in the aggregate a very appreciable monetary value. This plan requires the Indian student to work half a day and to attend classroom exercises during the other half. With studies properly adjusted to the student's mental status and with nonessentials and useless repetition eliminated from the courses, this condition is not a handicap to the progress of the student. Indeed, it has been demonstrated in schools for whites that pupils can complete a grade a year even when taking academic work but half a day and doing vocational work during the other half. . . .

\* \* \* \*

The course of study is separated into four divisions: (1) Primary, (2) prevocational, (3) junior vocational, and (4) senior vocational. The primary division includes the first three grades, the prevocational division includes the next three grades, the junior vocational includes the work of the seventh and eighth grades and corresponds somewhat to the work of the junior high school, and the senior vocational division contemplates a four-year course above the eighth grade which corresponds to the regular high-school course. The first group is the beginning stage, the second and the third groups the finding stage, and the fourth group the fitting stage. In the first eight years the course parallels the public-school courses in the essentials of the academic work. During this period the principles are to be taught and the application of them is to be made just as soon after instruction as possible. The knowledge of industrial and domestic activities at this stage centers more or less around the conditions essential to the proper maintenance and improvement of the rural home. This is the period when the boys and girls, through trying out their capacities, are finding that activity to which it is thought best to apply themselves definitely in the vocational period. The course has been planned with the vocational aim very clearly and positively dominant, with especial emphasis on agriculture and home making. The character and amount of academic work has been determined by its relative value and importance as a means of solution of the problems of the farmer, mechanic, and housewife. All effort is directed toward

training Indian boys and girls for efficient and useful lives under the conditions which they must meet after leaving school.

In the first or primary period the Indian child comes into what is to him a strange land with a strange tongue, strange habits, customs, and standards. He is lacking that five years or so of fundamental home education which most white children receive in our American ways of thinking, doing, and living. Those who have taught only white children do not always appreciate the influence which this preliminary home training has upon the later results when the child enters the primary grade. The Indian child comes to school lacking that important foundation; therefore we must accomplish all that the white child has gained at home in addition to the normal work of the primary grades.

\* \* \* \*

Assisting pupils to find themselves, and in the selection of the course of study leading to a profession, business, or trade to which they are to devote themselves, and to the building of a successful career in their chosen vocation, is of such great moment that each school is directed to establish a vocational guidance committee which shall consist of the superintendent as chairman, and not less than three other members appointed by him.

Pupils should be carefully guided by their instructors in their work during the prevocational division.

At the end of the prevocational course pupils should be encouraged to make a preliminary selection of their vocation, thus narrowing it down to three trades. The vocational guidance committee should continue to supervise the work during the junior vocational course and at the end of this course final choice should be made. The work of the vocational guidance committee is one of the most important features of the school's undertaking and must be emphasized.

Many of the failures and partial failures in life are undoubtedly due to merely drifting into employment or to a mistake in selecting a vocation. No better service could be rendered a pupil than assisting him to a wise selection of the work for which he is best fitted.

In order to do this work intelligently the guidance committee should be persons of such mature judgment, wide knowledge of life, strong character, and positive personality as to inspire confidence and respect; they should also have a good knowledge of the requirements and conditions of success, wages, supply and demand, and advantages and disadvantages of the different lines of industry. In addition, they should make a thorough study of the nature, needs, and possibilities of the student which will then place the committee in a position to guide boys and girls to the best selection of a life work.

The general course of study provides for instruction in the following subjects:

Primary and Prevocational Divisions

- English
- Physiology and hygiene
- Geography
- United States history
- Civics
- Manners and right conduct
- Arithmetic
- Penmanship
- Drawing
- Vocal music
- Physical training
- Industrial work
  - Home training
  - Home cooking
  - Plain sewing
  - Laundering
  - Poultry raising
  - Agriculture
  - Farm carpentry
  - Farm blacksmithing
  - Farm engineering
  - Farm masonry
  - Farm painting
  - Shoe and harness repairing

Junior Vocational Division<sup>88</sup>

- English
- Arithmetic
- Geography
- History
- Civics
- Physiology
- Music

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<sup>88</sup> "The junior vocational division of the revised Course of Study corresponds in a general way to the junior high school work of the public schools. It covers approximately the ground that was formerly comprehended in the seventh and eighth grades. The inclusion of this division of work thus puts the Indian schools on a plane that parallels the work of the public schools.

"The purposes of this course are twofold. In the first place, it is planned with the definite thought in mind of offering a finishing course for the large majority of children in our schools who will drop out at the end of the eighth year's work. As these pupils greatly outnumber those who will continue their schooling, it is proper to place their needs first. A secondary object is to lay a little more thorough foundation than has been done in the past



*Junior Vocational Division—Continued*

General agriculture

Industrial courses

Cooking and home management

Domestic art

Nursing

Agriculture

Auto mechanics

Blacksmithing

Carpentry

Engineering

Masonry

Painting

Printing

Mechanical drawing

*Senior Vocational Division*

Algebra

Plane geometry

Shop mathematics

Bookkeeping

General science

Agricultural botany

Chemistry

Physics

Ancient history

American history

Citizenship

Rural economics

Commercial geography

Industrial courses

Domestic science

Domestic art

Nursing

Agriculture

before the pupils take up the specialties offered in the senior vocational division.

"The work is one of semi-specialization. Definite courses for the boys in agriculture, carpentry, masonry, blacksmithing, engineering, painting, and auto mechanics are offered. These courses are more extended than in the work of the pre-vocational division and it is expected that instructors will impart a more detailed knowledge of the different trades. Girls are to be definitely trained in all those things which will prepare them to be capable home makers.

"This course will be offered in the majority of the nonreservation schools. It will also be offered in selected reservation schools. It is not expected that all these schools will give all the courses listed. Neither is this to be desired. Perhaps the best results will be obtained if the work is confined, in most schools, to two or three courses for boys. The matter of equipment will enter largely into the question of determining the courses to be given. No school will add any of these courses until approval of such a change has been given by the Commissioner of Indian Affairs." Course of Study, p. 169.

Senior Vocational Division—*Continued*Trade courses <sup>89</sup>

- Auto mechanics
- Blacksmithing
- Carpentry
- Engineering
- Masonry
- Painting
- Printing
- Mechanical drawing

The course of study, as outlined above, represents the aim of the educational system; it is not likely that the requirements are met in practice.

*General Provisions Relating to Education.* The Indian schools supported by the government are primarily for the education of children whose parents are still wards of the United States, the children of taxpaying Indians being supposed to obtain their education in the public schools, but children of taxed Indians living near a government school are admitted to the government schools upon payment of tuition if they cannot obtain an education otherwise. The qualifications for admission have never been defined by statute, but are prescribed by the Commissioner of Indian Affairs. There is specific statutory provision for the admission of children of whites on payment of a tuition fee (34 Stat. L., 1018; 35 Stat. L., 783).

<sup>89</sup> "No course in mechanic arts in any school, conducted as a school, can turn out finished master craftsmen. The aim of these courses is to give to Indian boys such trade and technical information and training as will enable them to go out from the school, not finished workmen, but well-equipped and trained journeymen, who, after getting real trade experience, will become skilled mechanics capable of taking their place beside the average skilled workmen of whatever race.

"These courses are to be followed as closely as local conditions and the varying demands of the school's upkeep will admit. Wherever the demands of the school require that certain kinds of work be done in some period of the course other than that specified in the course, students should be given credit for the work done if the principle involved has been thoroughly mastered. In other words, these courses must be made to fit the student and not the student to fit the courses.

"A reasonable number of technical terms—trade language—are necessary to enable the boy to read intelligently trade journals and more or less technical works." Course of Study, p. 359.

Children may be enrolled at 5 years of age where there are kindergarten facilities, the minimum age at other places being 6 years. The specific consent of the Commissioner is required to admit persons over 21 years of age, although persons over 21 years of age who have had no adequate opportunity for industrial training may be enrolled if they pay their own transportation expenses.

Theoretically, at least, education is compulsory with the Indians. As early as 1892 the Commissioner was authorized to enforce rules to secure the attendance of Indian children of suitable age and health (27 Stat. L., 143), this authority being strengthened in 1893 by two separate provisions in the same act authorizing the Secretary of the Interior to withhold rations from parents who did not send their children to school (27 Stat. L., 628, 635). These acts were evidently not enforced, as in 1920 Congress reenacted the provisions of the act of 1892 in substantially the same terms (41 Stat. L., 410). An order issued June 14, 1921, provided for the adoption of the compulsory education law and regulations of each state as a part of the regulations governing the Indian Service and the superintendents were directed to coöperate with state officers in the enforcement of the state laws and regulations. Indians not subject to the jurisdiction of the states are subject to the penalty prescribed by state law, the penalty being imposed by the officer in charge of the reservation.

In the day schools a light lunch is generally provided, and in the boarding schools subsistence, clothing, medical attention, and transportation to and from school are furnished by the government.

In order to increase the efficiency of teachers the act of August 24, 1912 (37 Stat. L., 519), made provision for not to exceed fifteen days educational leave, for attending teachers' institutes or training schools. The act of August 24, 1922 (42 Stat. L., 829), the educational leave was increased to thirty days.

*Appropriations and Expenditures.* The table on page 226 shows the appropriations for education for various years as far as it is possible to segregate them. It is impossible to compile a table showing all appropriations for education, as some of the appropriations, especially those for the fulfillment of treaty stipulations, provide for education, support, and other objects. Complete figures showing expenditures from all sources for education are not avail-

able, as some tribal funds are used under general authority conferred on the Secretary of the Interior. In the case of the larger schools the sale of farm products yields a considerable sum which is available for school purposes, and the productive work done by pupils in connection with the operation of the school plant is an important factor. While supplies for schools are paid for out of the appropriations for education the expense of purchasing and transporting them is generally paid from a specific appropriation for this purpose for the entire service; no figures are available showing what portion of this appropriation is expended for buying and transporting supplies for schools and for other work of the service. Prior to the fiscal year 1925 a single appropriation for school and agency buildings, included in the table on page 226, was used for the repair and construction of school buildings for which no specific provision is made, and also for reservation buildings not used for school purposes.

The figures in the table combine appropriations for both operation and capital expenditures, although these are often appropriated for separately. The general appropriation "support of schools" is used for the operation of all schools except those which are appropriated for specifically; as regards construction the same is true of the general appropriations "school and agency buildings" and "school buildings" for construction of all schools. For the fiscal year 1926 separate appropriations were made for all the non-reservation boarding schools; most of the reservation schools are supported out of the general appropriation, the only ones specifically provided for being Fort Mojave and Truxton Canyon, Arizona, Fort Bidwell, California, Cherokee, North Carolina, Fort Totten, North Dakota, Cherokee Orphan School, Oklahoma, Hayward, Wisconsin, and Shoshone, Wyoming. There seems to be no particular reason why these schools should be provided for separately, as some of the other reservation boarding schools are larger and of more importance. It is likely that appropriations for them were made specifically in order to obtain additional funds for their establishment; they have probably been continued by reasons of the fact that appropriations are generally repeated under the same headings from year to year and in addition there would be pressure from members of Congress to retain specific items for fear that

the school might be discontinued if specific provision of law was not made for its maintenance. All day schools are supported out of the general appropriation, which is also used to pay tuition in public schools if the Indian children are not admitted free, the limit on the total expenditure for tuition in public schools being \$350,000 for the fiscal year 1928. No government money is spent on contract schools, tribal funds being used for this purpose.

The appropriations required by treaty stipulations are indicated by the word "treaty." The use of tribal funds is also indicated by the word "tribal," but the table shows only the tribal funds specifically appropriated, authority for the use of other tribal funds being conferred on the Secretary of the Interior by general law. The table does not show the total amount available in each state, as the general appropriation and tribal funds are used, this fact being of particular significance in Oklahoma. Some of the appropriations are "immediately available"; that is, money may be used in the year preceding the one for which the appropriation is made. Such appropriations have been listed under the year to which the appropriation act in general relates.

In the case of day schools the cost of operation generally includes a lunch furnished to the pupils, and in the case of boarding schools it includes subsistence, clothing, and medical attention. For some years a limitation has been placed on the per capita expenditures for schools, the latest provision being that of the act of June 30, 1919 (41 Stat. L., 6), which limits the expenditures to \$225 per capita in schools of two hundred pupils and over and to \$250 per capita in schools of less than two hundred pupils; in computing the per capita it is provided that the average attendance should be used, the average to be obtained by dividing the total daily attendance by the number of days the school is in session. There does not enter into the per capita cost the expenses of transporting supplies and pupils, which are paid out of general appropriations for this purpose, and the salaries of superintendents.

Pupils are transported to and from the schools at the expense of the government, a specific appropriation of \$90,000 being made for this purpose for the fiscal year 1928.

## THE OFFICE OF INDIAN AFFAIRS

## APPROPRIATIONS FOR SCHOOLS, BY FISCAL YEARS

Item	1900	1912	1920	1928
<b>General appropriations</b>				
Support of schools.....	\$1,100,000	\$1,420,000	\$1,750,000	\$2,406,200
School and agency buildings.....	.....	425,000	335,000	.....
School transportation.....	35,000	82,000	72,000	90,000
Superintendent of schools, salary, clerk and traveling expenses.....	5,500	.....	.....	.....
School buildings.....	300,000	.....	.....	225,000
Purchase of animals.....	10,000	.....	.....	.....
<b>Specific appropriations</b>				
<b>Arizona</b>				
Fort Mojave school.....	36,550	39,100	38,850	76,250
Phoenix school.....	112,200	127,400	155,000	224,500
Navajo schools (treaty).....	.....	.....	100,000	50,000
Truxton Canyon school.....	.....	21,200	27,000	67,625
Hackberry school.....	60,000	.....	.....	.....
Theodore Roosevelt school.....	.....	.....	.....	121,250
<b>California</b>				
Riverside school.....	.....	114,350	153,600	245,000
Fort Bidwell school.....	.....	.....	31,000	32,000
Day and industrial schools.....	.....	.....	.....	.....
Greenville school.....	.....	.....	35,200	.....
Ferris school.....	27,500	.....	.....	.....
Colorado—Grand Junction school.....	36,550	.....	.....	.....
Florida—Support of Seminoles.....	.....	.....	20,000	.....
Iowa—Sac and Fox school.....	13,525	.....	.....	.....
<b>Kansas</b>				
Lawrence school (Haskell Institute)....	112,000	137,750	187,600	228,250
Kickapoo Reservation school.....	12,190	17,860	23,400	.....
Sac and Fox school (treaty).....	200	200	.....	.....
Michigan—Mount Pleasant school.....	54,800	75,800	90,750	116,375
<b>Minnesota</b>				
Chippewas of Minnesota (tribal funds)....	20,000	.....	.....	35,000
Chippewas of the Mississippi (treaty stipulation).....	4,000	4,000	4,000	4,000
Pipestone school.....	32,550	41,675	54,650	77,500
Morris school.....	48,550	.....	.....	.....
Mississippi—Education of Choctaws.....	.....	.....	b	20,000
Nebraska—Genoa school.....	59,300	95,100	92,000	131,500
Nevada—Carson school.....	41,550	56,100	98,750	126,875
<b>New Mexico</b>				
Albuquerque school.....	53,800	85,000	102,250	280,625
Santa Fe school.....	57,800	58,500	92,600	117,250
Chas. H. Burke school.....	.....	.....	.....	132,500
North Carolina—Cherokee school.....	27,850	28,650	43,800	142,125
<b>North Dakota</b>				
Bismarck school.....	.....	22,700	35,725	38,250
Fort Totten school.....	55,150	82,000	89,000	88,125
Wahpeton school.....	.....	50,200	55,800	60,625
<b>Oklahoma</b>				
Pawnee school (treaty).....	10,000	10,000	10,000	.....
Education of Osapaws (treaty).....	1,500	1,000	1,000	.....
Chillico school.....	66,750	90,000	121,600	175,000
Education of Osage (tribal funds).....	.....	.....	40,000	8,000
Cherokee Orphan school.....	.....	.....	43,000	77,500
Aid to common schools, Five Tribes and Quapaw Agency.....	.....	.....	225,000	150,000
Choctaws (treaty).....	6,000	6,000	6,000	.....
Euchee.....	.....	.....	.....	35,750
Eufaula.....	.....	.....	.....	38,250
<b>Oregon</b>				
Salem school.....	92,600	127,200	150,000	272,500
Molel schools (treaty).....	3,000	.....	.....	.....
<b>Pennsylvania</b>				
Carlisle school.....	150,000	147,000	.....	.....
Lincoln Institution.....	33,400	.....	.....	.....

APPROPRIATIONS FOR SCHOOLS, BY FISCAL YEARS—*Continued*

Item	1900	1912	1920	1928
<i>Specific appropriations—Continued</i>				
South Dakota				
Plandreau school .....	47,850	60,425	92,750	113,000
Pierre school .....	28,550	64,000	74,250	82,500
Rapid City school.....	22,400	89,900	71,875	85,125
Sioux day and industrial schools (treaty) .....	225,000	200,000	200,000	250,000
Chamberlain school .....	18,900	.....	.....	.....
Texas—Alabama and Coushatta Indians...	.....	.....	.....	3,500
Utah				
Confederated Utes .....	1,800	.....	.....	.....
Aid to public schools.....	.....	.....	12,000	6,000
Education in southern part of state.....	25,000	.....	.....	.....
Virginia—Hampton school <sup>c</sup> .....	20,040	20,040	.....	.....
Washington—Cushman school, Tacoma....	.....	.....	<sup>d</sup> 65,000	.....
Wisconsin				
Hayward school .....	60,000	38,670	61,350	45,500
Tomah school .....	45,550	49,950	74,375	83,125
Wyoming—Shoshone school .....	37,125	34,025	41,250	.....
Total .....	\$3,213,030	\$3,932,695	\$4,977,425	\$6,457,700

<sup>a</sup> Available also for uses other than education.

<sup>b</sup> Unexpended balance appropriated.

<sup>c</sup> From tribal funds.

<sup>d</sup> Tribal funds used also.

<sup>e</sup> For specified number of pupils.

<sup>f</sup> This is the total amount appropriated, but the items do not add to these figures. For each of the schools specifically appropriated for the appropriation is in terms of the maximum that may be expended. For all the schools the appropriation is \$3,210,000; the sum of the items is \$3,214,875, a difference of \$4,875. The maximum amount specified may be expended for any school but a reduction must be made in other schools in order to bring the total within the amount appropriated.

**Furnishing Medical Relief.** With the change from the nomadic life to the more sedentary life of the reservations the health problem of the Indian population became more acute. When the Indian led a roving life the lack of sanitation was to a large degree counteracted by the frequent changes of camp site. After he was restricted to the bounds of the reservation and settled down in one place, dirt and refuse rapidly accumulated around his habitation, the water supply was not as pure, and he was unacquainted with the proper methods of preparing many of the rations issued to him. There is also reason to believe that much of the flour and bacon issued during the early days of the reservation system were of inferior quality, if not unfit for human consumption. One feature of Indian life has worked both to his advantage and disadvantage—the fact that he does not use milk to any extent. To this is due to a large extent his freedom from typhoid fever, but to it may also be ascribed the high infant mortality rate as the result of infants being fed with solids which they could not properly digest.

The first recognition of the need of medical attention to the Indians was an appropriation of \$12,000 made May 5, 1832 (4 Stat. L., 514), for purchasing "genuine vaccine matter" and employing physicians to administer it. The treaty of 1836 with the Ottawas and Chippewas provided for the payment by the United States of \$300 a year "for vaccine matter, medicines, and the services of physicians, to be continued while the Indians remain on their reservations." Later treaties with other tribes also provided for physicians and in some cases for hospitals, but it is difficult to determine the extent to which medical work was carried on or its character, the early reports containing some reports from physicians at various agencies, but no general discussion of medical problems.

By 1880 the number of physicians employed was seventy-seven,<sup>60</sup> and there were only four hospitals in the entire service. In 1890 physicians were placed in the classified civil service and applicants were required to pass an examination in addition to being graduates of some reputable college.

There was, however, no professional supervision of the agency physicians and the efficiency of the work depended entirely on the character of the physicians appointed. A statement of conditions, which were probably typical at that time, is given by Dr. Charles A. Eastman, agency physician at Pine Ridge in 1890.

The doctors who were in the service in those days had an easy time of it. They scarcely ever went outside of the agency enclosure, and issued their pills and compounds after the most casual inquiry. As late as 1890, when the government sent me out as physician to ten thousand Ogallalla Sioux and Northern Cheyennes at Pine Ridge agency, I found my predecessor still practicing his profession through a small hole in the wall between his office and the general assembly room of the Indians. One of the first things I did was to close that hole; and I allowed no man to diagnose his own trouble or choose his pills. . . .

\* \* \* \*

I found it necessary to buy, with my own funds and partly with money contributed by generous friends, a supply of suitable remedies as well as a full set of surgical instruments. The drugs supplied by contractors to the Indian Service were at that period often obsolete in kind, and either stale or of the poorest quality. . . . Major operations were generally out of the question on account of

<sup>60</sup> Tuberculosis among American Indians, p. 95.



the lack of hospital facilities, as well as the prejudice of the people, though I did operate on several of the severely injured, after the massacre at Wounded Knee. . . . The old time "medicine man" was really better than the average white doctor in those days, for, although the treatment was largely suggestive, his herbs were harmless, and he did not allay some distress which the other aggravated, because he used powerful drugs almost at random and did not attend to his cases intelligently. The native practitioners were at first suspicious of me as a dangerous rival, but we soon became good friends, and they sometimes came frankly to me for advice and even proposed to borrow some of my remedies.<sup>a</sup>

It was not until the first decade of the present century that medical work was regarded as one of the major activities of the Indian Service. In 1902 an asylum for insane Indians was opened at Canton, South Dakota, and in 1908 the duties of the full time physicians were extended so that they had the powers of health officers for the reservations, although they have not always acted as such. In 1909 a medical supervisor for the entire service was appointed. The systematic organization of the health work really dates from this time.

In 1909 also a special appropriation of \$12,000 was made to investigate, treat, and prevent the spread of trachoma (35 Stat. L., 642). For the fiscal year 1911 there was appropriated \$40,000 to relieve distress and to provide for "the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases" (36 Stat. L., 271). This was the first of a series of general appropriations of this character, the amount being increased in later years.

The increased interest in the Indian health problem was further evidenced in 1912 by the appropriation of \$10,000 to enable the Public Health Service to make a survey of the prevalence of contagious and infectious diseases among the Indian population. The difficulties of medical work among the Indians are well described in the following quotation from the report of this investigation:

What is the matter? Let us visit an average doctor on an average reservation. We enter his office which is reasonably well provided with drugs but not much else. Five minutes later Billy Blackhawk

<sup>a</sup> The Indian's Health Problem, *The American Indian Magazine*, April-June, 1916, pp. 141-42.

comes after the doctor and we consent to go with him. After a drive of fourteen miles over bad roads, through rain and sleet we arrive, the doctor carrying his old-fashioned pill bags or medicine case containing a hatful of promiscuous drugs. We enter the house; in one room about twelve feet square live from five to ten people; they sleep on dirty blankets or a pile of dirty rags strewed around on the floor, which is covered with grease and filth. They have a small stove in the center of the house, with a very little fire, because fuel is scarce and hard to get, or, if it is easy to get, as it frequently is, it is easier to keep the doors and windows closed than to chop wood. At any rate, all the doors and windows are closed to keep out the cold. It is now night, and from the dying embers in the stove and a well-smoked lantern there are emitted rays of light approximating in number half a candlepower. Dark as it is and cold, every time you move you can hear the flies buzzing as they are driven from their sleeping places. Indeed, some of them have not yet gone to bed and can be dimly seen crawling around over the nostrils and lips of the little sufferer whom the doctor has come to see. Let us look at the child. He is five years old, has had whooping cough for the past three weeks, and now has pneumonia. The poor little fellow is so dirty the doctor hates to touch him. On the same pile of rags is stretched his sister, twelve years old, in the last stages of consumption. If by some miracle the child should survive its present ailments, it would certainly die later of tuberculosis. Now, what can a doctor, though armed with all the drugs in the pharmacopœia, do under such circumstances? The parents of the child do not know enough to give the remedies as they should be given; they do not know how to feed the child, and do not have the proper food for it if they did. Even if they could carry out the doctor's directions as to medicine (which is perhaps the least important part of the treatment) the doctor cannot come every day, or even once a week, for that matter, and no doctor can see such a patient once and outline his course of treatment for the rest of the time that the child is going to be ill, and yet that is exactly what he tries to do. Being a physician, I took the liberty of asking the doctor how much good he thought he had accomplished by his visit. "None at all," he replied, "as you can readily see; the child will probably die; the father will conclude that the white doctor is not better than his own 'medicine man' and may never send for me again; and, in fact, the Indian in his peculiar surroundings can really die about as well without my aid as with it." I smiled grimly at this sally and the doctor sighed deeply. Just as we were leaving an Indian halted us to say that old lady Redeagle, who lived in the tepee across the creek, was also very sick. "And did she send for me?" asked the doctor. "No, but I thought maybe you might go to see her." We went.

Now, a tepee is another name for the old-fashioned wigwam, still in existence, a kind of improvised tent with a dirt floor. A little fire of sticks burned low in the center, the smoke going out through the open space in the rounded top. We had to crawl on our hands and knees in order not to be stifled with smoke. There was no light except from the small fire. Bundled in a heap with head and ears covered lay an old creature evidently quite ill, but not too ill to show plainly that she resented our coming. An old man just roused from his slumbers sat up and glared at us with sullen indifference. In spite of her protests, the doctor essayed to make an examination of his patient. After about a minute and a half he came away and said that it was probably either a case of dysentery or of typhoid fever and that was as near as he could guess. I have no doubt he was right, and I wondered how much his sense of smell had influenced him in making his diagnosis. As it was now very dark, the doctor lighted his lantern and we found our way to the creek. It rained on us all the way home."

Beginning in 1911 general appropriations were made each year for the prevention and treatment of disease; in addition other available appropriations and tribal funds were also used for this activity and specific appropriations were made from time to time for hospital buildings.

During the fiscal year 1926, the total expenditure for medical work was approximately \$1,300,000.00, divided among the several classes of appropriations as indicated below:

#### COST OF MEDICAL ACTIVITIES, FISCAL YEAR 1926

Appropriations	
Relieving distress and prevention of diseases.....	\$638,545.90
Asylum for Insane Indians.....	46,374.74
Boarding Schools .....	84,601.53
Indian School Support .....	57,105.13
Agency Buildings .....	3,725.38
Reservation receipts (Indian moneys, proceeds of labor) .	82,107.17
Support and Civilization .....	131,562.72
Tribal funds .....	187,524.09
Other .....	81,256.84
Total .....	\$1,312,803.50

The figures given above are approximate only, as an examination of the original reports from the field discloses the fact that at some agencies the cost of subsistence of patients was included in the cost of medical activities, but that at other agencies subsistence was disregarded.

The general appropriations for the fiscal years 1911 to 1926 and the other data indicating the extent of the work during this period and some earlier years are shown in the following table:

GENERAL APPROPRIATIONS FOR MEDICAL WORK, FISCAL YEARS 1911 TO 1926,  
AND DATA ON HOSPITALS AND HEALTH EMPLOYEES

Fiscal year	General appropriation	Hospitals operated	Capacity (beds)	<sup>a</sup> Physicians	Nurses	Hospital employees	Field matrons
1888 .....	a	4	c	c	c	c	c
1895 .....	c	c	c	74	8	7	3
1900 .....	c	c	c	83	25	15	21
1905 .....	c	5	c	96	33	10	40
1911 .....	40,000	50	1268	c	c	c	c
1912 .....	60,000	<sup>a</sup> 53	1256	c	c	c	c
1913 .....	90,000	<sup>a</sup> 48	1358	c	c	c	c
1914 .....	200,000	<sup>b</sup> 51	1432	c	c	c	c
1915 .....	300,000	74	2045	c	c	c	c
1916 .....	300,000	81	2283	c	c	c	c
1917 .....	350,000	81	2273	c	c	c	c
1918 .....	350,000	87	2411	151	88	158	82
1919 .....	350,000	88	2474	154	91	158	82
1920 .....	375,000	85	2190	160	98	158	78
1921 .....	350,000	85	c	168	99	155	75
1922 .....	375,000	75	2411	172	102	150	75
1923 .....	370,000	77	c	177	106	154	63
1924 .....	370,000	79	c	184	110	156	63
1925 .....	500,000	84	2573	194	132	168	38
1926 .....	700,000	<sup>a</sup> 91	2750	194	132	229	37

<sup>a</sup> Includes rooms in dormitories used for ill pupils.

<sup>b</sup> Does not include rooms in dormitories used for ill pupils.

<sup>c</sup> Not reported.

<sup>d</sup> From one-quarter to one-third of the number of physicians reported are contract.

The medical work was reorganized in 1926, when a surgeon of the Public Health Service was detailed to be in general charge, and the country was divided into four districts, each in charge of a medical director.<sup>83</sup>

The medical work is both remedial and preventive. In addition to maintaining hospitals,<sup>84</sup> office and home treatment is given on all the reservations. In the hospital service all the physicians are full time employees, but in general office and out patient practice, both full time and contract physicians are employed, the contract physician being a local practitioner, who is paid a specified sum per annum. The number of contract physicians has declined both relatively and absolutely during recent years, as it has been the policy to substitute full time physicians if funds were available and they could be obtained at the salaries paid. The contract physician is concerned with remedial work only.

<sup>83</sup> The details regarding the duties of the medical directors are given on page 274.

<sup>84</sup> Listed on pages 343 to 346.

The preventive work includes supervision over the hygiene and sanitation of the reservation, special instructions for the care of infants, and advice in methods looking to better sanitary conditions in the homes. A large part of the educational work in domestic and infant hygiene is assigned to the field matrons of the several reservations.

The hospitals are classed as insane, sanatoria, general, agency, school, and emergency. There is only one insane asylum to which are sent Indians from all parts of the country. The sanatoria are maintained primarily for the treatment of tuberculosis, and draw their patients from all the reservations. There is little distinction between the general hospitals and the agency hospitals; the general hospitals draw their patients from a wider area, but otherwise the class of cases is the same. The school hospitals are primarily for the treatment of children in the boarding schools, although other patients are given relief if necessary. The emergency hospital at Neopit, Wisconsin, is for the relief of accidents resulting from lumbering and the operation of the mill at that place.

In the table on page 234 the names of the appropriations have been abbreviated to save space. "Relief" indicates that the money was taken from the general appropriation for the relief of distress and prevention of diseases; the term "support" indicates that the specific appropriation for the support and civilization of Indians in the state under consideration was used; the term "schools" shows expenditure from the general appropriation for the support of schools; the term "buildings" indicates use of the general appropriation for construction and repair of school and agency buildings; the term "specific" shows that special appropriation was made for the structure listed; the use of the name of the school, such as Fort Totten school, indicates that use was made of the appropriation for the operation of the school or from a specific appropriation for buildings or repairs at the school; tribal funds comprise the money held in trust by the government for the benefit of the Indians; reservation receipts (carried in the accounts of the Treasury and the Indian Office under the title "Indian moneys, proceeds of labor") are also tribal funds, but they may be expended by the Secretary of the Interior without specific authority of Congress.

<sup>66</sup> For discussion of tribal funds, see page 190.

## HOSPITAL DATA: FISCAL YEAR 1925

Hospitals by states	Class of hospital	Capacity	Patients, fiscal year 1935	Hospital days treatment, fiscal year 1935	Construction data			Maintenance data, fiscal year 1935	
					Cost	Date of completion	Appropriation or fund used	Cost <sup>b</sup>	Appropriation or fund used
Arizona	Agency	56	355	2,793	\$6,000	"	Buildings; support	Schools; reservation receipts	
Fort Apache	School	17	213	1,334	5,900	1904	do	Schools	
Fort Mojave	Agency	32	264	1,888	14,000	1914	Support	Support	
Hopi	Agency	24	103	5,665	7,500	1908	Buildings	Schools; support	
Leupp	Agency	30	799	8,312	5,000	1912	Support	Support	
Navajo	Agency	40	546	8,735	12,600	"	Relief	Relief	
Do	Sanatorium	38	101	8,735	12,600	"	"	do	
Phoenix	do	120	172	34,030	14,900	1903	Specific	Phoenix School	
Do	School	60	1,074	8,439	8,864	1903	Phoenix School	Relief; support	
Pima	Agency	66	774	23,344	14,466	1911	Buildings	Schools	
Rice Station	School	13	151	1,130	7,000	1901	do	Relief	
Sells	Agency	20	165	7,783	18,933	"	"	Schools	
Theodore Roosevelt	School	20	363	3,014	....	"	"	Relief	
Truxton Canyon	Agency	10	36	493	500	"	Relief	Relief; reservation receipts	
Western	School	8	243	2,021	5,950	1907	Schools	Truxton Canyon School	
Do	Agency	9	248	2,037	5,004	1911	Buildings	Schools	
California	School and agency	25	243	1,678	4,900	1912	do	Schools; support; reservation receipts	
Fort Yuma	do	24	123	6,594	15,000	1916	Relief	Relief	
Hoop Valley	Mission-Soboba	25	180	4,704	6,520	1923	"	Support	
Sherman Institute	School	67	1,900	7,670	22,240	1912	Specific	Sherman Institute	
Colorado	do	24	350	2,200	14,094	"	"	Tribal	
Utah	do	18	224	2,866	8,000	1907	Schools	Schools	
Fort Hall	Agency	14	113	1,176	11,900	1903	Buildings	Reservation receipts	
Do	Sanatorium	110	129	35,665	12,200	1894	Buildings; reservation receipts	Relief; schools; reservation receipts	
Fort Lapwai	do	80	119	20,429	20,000	1897	Buildings	Relief; reservation receipts	
Iowa	Sac and Fox	54	1,071	5,595	20,000	1905	Specific	Haakel Institute	
Kansas	School	24	732	3,206	10,800	1911	Buildings	Mount Pleasant School	

## HOSPITAL DATA: FISCAL YEAR 1925—Continued

Hospitals by states	Class of hospital	Capacity	Patients, fiscal year 1925	Hospital days treat- ment, fiscal year 1925	Construction data			Maintenance data, fiscal year 1925	
					Cost	Date of completion	Appropriation or fund used	Cost <sup>b</sup>	Appropriation or fund used
Minnesota									
Fond du Lac.....	Agency	20	216	2,700	\$24,590	1916	Tribal funds	\$24,722	Tribal funds
Leech Lake <sup>a</sup> .....	Sanatorium and agency	120	202	6,720	2,448	"	do	28,033	do
Pipestone.....	Agency	20	274	1,761	6,000	1909	Schools	2,750	Pipestone School
Red Lake.....	School	26	245	2,546	20,105	"	Tribal funds	11,216	Tribal funds
White Earth.....	Agency	30	132	2,095	18,638	1912	do	14,563	do
Montana									
Blackfeet <sup>a</sup> .....	do	30	70	700	14,465	1915	Relief	8,654	Relief
Crow.....	do	16	183	4,224	15,000	"	Tribal funds	12,182	Reservation receipts
Fort Belknap.....	do	15	256	1,540	"	"	do	4,912	Support; tribal funds
Fort Peck.....	School and agency	12	303	2,088	9,100	"	Buildings	2,528	Support; relief
Tongue River <sup>a</sup> .....	Emergency	18	43	2,229	"	"	do	"	do
Nebraska									
Genoa.....	School	30	308	1,980	8,000	1915	Genoa School	2,800	Schools
Winnebago.....	Agency	64	850	10,950	3,692	"	Buildings	16,409	Relief
Nevada									
Carson.....	Sanatorium	25	60	6,002	14,466	"	Relief	10,000	do
Do.....	School	20	584	8,216	4,817	1904	Carson School	6,655	Carson School
Franklin Lake <sup>a</sup> .....	Sanatorium	38	"	"	"	"	do	"	Reservation receipts
Western Shoshone.....	Agency	20	8	113	3,300	1890	Reservation receipts	699	do
New Mexico									
Albuquerque.....	School	35	839	5,163	5,000	1890	Specific	4,985	Albuquerque School
Jicarilla.....	Sanatorium	60	58	11,451	12,819	1907	Relief	9,984	Relief
Do.....	Agency	24	27	2,441	5,131	1905	do	5,264	do
Mescalero.....	do	44	444	8,178	14,467	1915	Relief	3,380	Schools; support
Pueblo Bonito.....	School	30	980	5,076	3,500	1908	Support	8,200	Support
San Juan.....	Agency	50	219	3,746	9,543	1903	Buildings	4,500	Support
Santa Fe.....	School	35	463	3,866	3,866	1903	Specific	12,123	Santa Fe School
Southern Pueblo—	Sanatorium	66	166	7,595	15,490	1915	Relief	"	Relief
Laguna Sanatorium.....	School	12	130	848	5,903	1913	Buildings	2,500	Support
North Carolina									
Cherokee.....	do	22	304	1,627	5,000	1916	Cherokee School	1,600	Cherokee School
North Dakota									
Fort Totten.....	Agency	12	239	2,000	3,500	1914	Fort Totten School	2,358	Fort Totten School
Standing Rock.....	do	30	420	4,911	26,000	"	Tribal funds	9,850	Tribal funds; support
Turtle Mountain.....	do	20	46	3,438	13,667	1915	Relief	11,400	Relief
Walperton.....	School	20	618	3,196	17,960	1914	Walperton School	3,050	Walperton School

**HOSPITAL DATA: FISCAL YEAR 1925—Concluded**

Hospitals by states	Class of hospital	Capacity	Patients, 1925	Hospital data treat- ment, fiscal year 1925	Construction data		Maintenance data, fiscal year 1925	
					Cost	Date of completion	Appropriation or fund used	Cost <sup>b</sup> Appropriation or fund used
Oklahoma	Agency	25	247	3,164	\$4,017	1916	Relief	\$8,095
Cherokee and Anapahoe	School	18	571	2,110	5,280	1897	Chillico School	3,606
Cherokee and Anapahoe	Sanatorium	60	176	17,157	48,954	"	Relief	25,820
Cherokee and Anapahoe	School	42	3,051	12,464	38,000	1915	Tribal funds	21,388
Cherokee and Anapahoe	School	10	155	5,20	1,500	1901	Tribal funds; school	3,250
Cherokee and Anapahoe	School	80	37	1,674	"	"	Relief	23,900
Cherokee and Anapahoe	School	10	45	1,971	"	"	"	"
Cherokee and Anapahoe	School	16	71	320	"	"	"	"
Cherokee and Anapahoe	School	60	1,193	6,223	20,000	1907	Salem School	5,352
Cherokee and Anapahoe	School	02	100	31,580	55,000	1901	Asylum for Insane Indians	39,488
Cherokee and Anapahoe	School	30	118	1,670	35,083	1901	Relief	14,422
Cherokee and Anapahoe	School	24	667	2,077	13,117	1915	Tribal funds	6,800
Cherokee and Anapahoe	School	23	144	2,303	5,229	1897	Manhattan School	2,600
Cherokee and Anapahoe	School	30	321	905	6,800	1893	Pierre School	2,319
Cherokee and Anapahoe	School	20	775	3,214	15,000	1914	Relief	2,545
Cherokee and Anapahoe	School	20	266	2,429	3,200	1914	Rapid City School	2,827
Cherokee and Anapahoe	School	30	413	5,820	31,200	1914	Tribal funds	8,000
Cherokee and Anapahoe	School	16	151	1,671	"	"	Relief	6,982
Cherokee and Anapahoe	School	25	64	7,320	"	"	Relief; reservation receipts	12,451
Cherokee and Anapahoe	School	12	200	1,059	6,460	1908	Schools; support	3,333
Cherokee and Anapahoe	School	8	46	233	3,500	1904	Hayward School	937
Cherokee and Anapahoe	School	30	185	7,050	6,941	1892	Tribal	9,047
Cherokee and Anapahoe	School	15	319	1,224	4,000	1904	Tomah School	1,000
Cherokee and Anapahoe	School	24	300	1,630	4,800	"	Reservation receipts	9,397

<sup>a</sup> Not reported.  
<sup>b</sup> Cost of maintenance includes figures for general repairs and upkeep of property.  
 \* In operation only three months, will be increased to 104 beds—about \$50,000 for new construction.  
 \* Cost from October 1, 1924, to June 30, 1925.  
 \* Southern Pueblos have a temporary Trachoma Hospital.



**Promoting Industrial Advancement.** An endeavor is made to advance the economic condition of the Indian through the construction of irrigation works, the advance of funds for the purpose of improving land, practical advice and instruction in methods of agriculture and stock raising, and obtaining employment.

*Irrigation, Water Supply, and Drainage.* As most of the reservations are located in the arid region, irrigation is necessary if they are to be developed to their full capacity. In the southwest irrigation was practiced by the Indians as early as the middle of the seventeenth century, but the first government aid was given in 1867. In the matter of water rights, as well as in questions of land titles the Indian has sometimes been deprived of his rights through the influx of white settlers and the indifference of the government. As the right to water for irrigation purposes is based on prior beneficial use, there have developed many intricate questions of both law and fact. In some cases the Indians have been clearly entitled to the water on the ground of prior and beneficial use, but they have been deprived of it through diversions by white settlers. Some of these diversions were made in deliberate disregard of the rights of the Indian, but no doubt many were made under the belief that there was sufficient water for the white settlers as well as the Indian. In many cases the Indian's right to water was lost because he did not use it prior to the settlers who made the first filings, due perhaps in some cases to the neglect of the government or its agents. On some of the larger reservations the headwaters of the streams were entirely in the area not opened to settlement, and there is sufficient water to supply both the Indians and the settlers who might have prior rights farther downstream.

The irrigation work of the Indian Service has been designed to restore water to Indians who have been deprived of it and to place water on the land of other Indians in order to increase its productivity. The work of the service includes the building of dams, canals, and other structures and their maintenance and operation after they are completed. The Indians are also instructed in the proper method of farming through irrigation, but that work is not considered as part of the irrigation development, being a part of the general program for the industrial and economic development of the Indian.

The first specific appropriation solely for irrigation work was one of \$50,000 for the fiscal year 1869 (15 Stat. L., 222) for an irrigation canal on the Colorado River Reservation in Arizona, although a year earlier an appropriation had been made for the purpose of locating the Indians and building a canal (14 Stat. L., 514). There is no doubt that prior to this time some sums were expended for irrigation on various reservations from the general appropriations for the support of the Indians, but the work was evidently carried on in a desultory manner. The first general appropriations for irrigation work on reservations was one of \$50,000 for the fiscal year 1885 (23 Stat. L., 94). A similar appropriation was not again made until the fiscal year 1892, when \$30,000 was appropriated for irrigation work in Arizona, Montana, and Nevada. Beginning with the fiscal year 1893 a general appropriation has been made annually, although beginning with the fiscal year 1919 this general appropriation really has become a series of smaller items, with limitations on the amount to be spent on each project or in certain states or districts. Prior to 1902 the general appropriations, with the exception of the one for the fiscal year 1885, never exceeded \$40,000. The appropriation for the fiscal year 1902 was \$100,000 and the amounts were gradually increased to the high point of \$335,000 in the fiscal years 1914, 1915, and 1916, dropping in later years. The decrease in the general appropriation after the fiscal year 1916 does not indicate any decline in irrigation activities, as specific appropriations were made for particular projects. The table on page 239 shows the appropriations for irrigation work exclusively in 1907, 1910, 1917, 1924, and 1928, not including items for the purchase of land and water rights and for the small irrigation systems at Indian schools. The smaller items are generally for operation and maintenance, while the larger items are generally for construction.

Prior to the fiscal year 1900, the irrigation construction work was carried on under the direction of the superintendents of the several reservations, with occasional assistance from a trained engineer and was "inharmoniously and wastefully conducted." " In the appropriation act for the fiscal year 1900 provision was made for two superintendents of irrigation, the number was in-

" Commissioner of Indian Affairs, Annual Report, 1912, p. 4.

creased to four from 1904 to 1907, to five for 1908 to 1910, and to seven for 1911 to 1918. In addition an inspector, who should be a qualified irrigation engineer, was provided for in 1902 to 1906, and two from 1907 to 1910. By the appropriation act for the fiscal year 1919 the chief inspector of irrigation and the assistant chief

## APPROPRIATIONS FOR IRRIGATION, BY FISCAL YEARS

	1907	1910	1917	1924	1928
Irrigation, Indian Reservations..	\$155,000	\$200,000	\$244,700	<sup>a</sup> \$197,450	<sup>a</sup> \$150,000
Arizona					
Colorado River Reservation....	.....	.....	15,000	65,000	10,000
Gila River Reservation.....	250,000	.....	<sup>a</sup> 170,000	163,000	163,000
Coolidge dam .....	.....	.....	.....	.....	750,000
Navajo Reservation .....	.....	.....	23,000	<sup>c</sup> 3,500	<sup>b</sup> .....
San Carlos Reservation.....	.....	.....	.....	<sup>c</sup> 30,800	10,000
Salt River Reservation.....	.....	.....	20,000	40,000	.....
Ganado project .....	.....	.....	.....	.....	2,800
San Xavier Reservation.....	.....	.....	.....	.....	2,000
California					
Yuma Reservation <sup>e</sup> .....	.....	.....	10,000	60,000	10,000
Idaho					
Fort Hall Reservation.....	25,000	<sup>a</sup> 125,000	25,000	<sup>a</sup> 280,000	40,000
Montana					
Blackfeet Reservation .....	.....	.....	<sup>d</sup> 25,000	<sup>d</sup> 60,000	15,000
Crow Reservation .....	.....	.....	.....	175,000	1,000
Flathead Reservation .....	.....	<sup>d</sup> 250,000	<sup>d</sup> 750,000	<sup>d</sup> 555,000	190,000
Fort Belknap Reservation.....	.....	25,000	20,000	30,000	18,000
Fort Peck Reservation.....	.....	.....	<sup>d</sup> 100,000	<sup>d</sup> 30,000	9,000
Nevada					
Pyramid Lake Reservation....	.....	.....	30,000	4,200	3,500
Truckee-Carson project .....	.....	.....	.....	7,000	.....
Newlands project .....	.....	.....	.....	.....	13,825
New Mexico					
Laguna and Acoma.....	.....	.....	.....	6,000	3,000
Zuni Reservation .....	.....	25,000	.....	.....	.....
Navajo Reservation .....	.....	.....	.....	7,500	<sup>b</sup> 6,000
San Juan Pueblo.....	.....	.....	.....	15,000	.....
Various pueblos .....	.....	.....	.....	.....	<sup>e</sup> 7,000
Oregon					
Klamath Reservation .....	.....	.....	20,000	<sup>c</sup> 9,000	<sup>c</sup> 6,000
Utah					
Uintah Reservation .....	125,000	325,000	40,000	<sup>c</sup> 100,000	16,000
Washington					
Colville Reservation .....	.....	.....	95,000	.....	<sup>b</sup> .....
Yakima Reservation .....	15,000	15,000	<sup>a</sup> 315,000	<sup>a</sup> 333,800	<sup>a</sup> 201,000
Wyoming					
Wind River Reservation.....	100,000	100,000	55,000	236,500	40,000
Total .....	\$670,000	\$1,065,000	\$1,957,700	\$2,408,750	\$1,667,125

<sup>a</sup> Divided into several specific items.

<sup>b</sup> Included in first item.

<sup>c</sup> Payable from tribal funds.

<sup>d</sup> Under Reclamation Service.

<sup>e</sup> Some pueblos also included in first item.

inspector of irrigation became Chief Irrigation Engineer and Assistant Chief Irrigation Engineer, respectively, which are their designations at present.

The first substantive provision regarding the problem of irrigation of Indian lands was contained in Section 7 of the general allot-

ment act of 1887 (24 Stat. L., 390), which gave the Secretary of the Interior power to distribute water for irrigation among the Indians of any reservation. The general reclamation act of 1902 (32 Stat. L., 388) contained no reference to Indian lands, but a clause in the Indian appropriation act for the fiscal year 1909, approved April 30, 1908, provided that the Secretary of the Interior might make such arrangements as he deemed for the best interest of the Indians for the irrigation of Indian lands under reclamation projects (35 Stat. L., 85)."

In the appropriation act for the fiscal year 1911, approved April 4, 1910 (36 Stat. L., 270), Congress set up a closer control over irrigation projects by providing that no project should be undertaken until the maximum limit of cost should be determined, which limit should not be exceeded. It also provided that no project costing over \$35,000 for its completion should be undertaken without express authorization by Congress. Prior to this legislation it was within the power of the Indian Office to begin work on very extensive projects, although the actual work that could be done each year was limited by the money appropriated. The omnibus Indian act of June 25, 1910 (36 Stat. L., 858), gave the Secretary of Interior power to reserve from allotment or sale any lands on Indian reservations valuable for power sites or reservoir purposes, and to cancel trust patents for any allotted land in such areas, the allottee to be given other land of equal value and to be reimbursed for his improvements. The same act also gave the President power to determine the size of allotments under irrigation projects (36 Stat. L., 860).

Up to 1914 the cost of all irrigation work undertaken under the general appropriations made since 1884 had been borne by the United States, and most of the work done under special appropriations had been charged against tribal funds or made reimbursable out of tribal funds, although some special appropriations had been borne by the United States. The Indian appropriation act for the fiscal year 1915, approved August 1, 1914 (38 Stat. L., 583), provided that not only all future general appropriations, but also all previous general appropriations should be considered as reim-

" This was repeated in the appropriation act for the next year (35 Stat. L., 798).

bursable whenever the Indians had money to their credit. This legislation resulted in setting up debits to the amount of \$2,817,582.11 against various tribes on account of irrigation works constructed between 1884 and 1914.

Prior to 1914 the cost of Indian irrigation projects had been charged against the tribe as a whole, and not against the particular land benefited. By the act of August 1, 1914 (38 Stat. L., 583), it was provided that the cost of the irrigation work should be prorated among the individual Indians whose land obtained water. This legislation makes the liability of the Indian the same as that of white settlers on reclamation projects, except that the law provides that the charges on reclamation projects shall be paid in a definite number of instalments, while no fixed period is prescribed for repayment by the Indian.<sup>66</sup>

On four of the large projects—Blackfeet, Fort Peck, Flathead, and Yuma—all the work was done by the Bureau of Reclamation prior to the fiscal year 1925. While the money for these projects was carried in the portion of the Interior Department appropriation act relating to the Indian Service, that Service was not directly responsible for either construction or maintenance. The work was done at cost, settlement being made by transfer of appropriation. The appropriation acts for 1925 and later years have provided that all work on these reservations shall be done by the Indian Service. On some smaller Indian projects adjacent to reclamation projects, water is obtained from the Bureau of Reclamation and payment made in proportion to the service rendered.

All other Indian reclamation projects have been under the direct control of the Indian Service, which makes the preliminary and detailed surveys and estimates of cost, prepares plans and specifications, supervises construction, and has charge of operation. Construction work is done by day labor or by contract as the circumstances seem to warrant.

The table on page 242 gives data on the progress of irrigation work at the end of the fiscal years 1911, 1917, and 1925, the fiscal

<sup>66</sup> The foregoing statement includes only the general laws relating to Indian irrigation. Specific laws have been passed relating to particular reservations. All the laws relating to irrigation passed up to June 30, 1919, are given in Appendix C of Vol. 2 of the Hearings before the House Committee on Indian Affairs, Sixty-sixth Congress, first session, on the condition of various tribes of Indians.

year 1911 being the first one for which detailed statistics were published by the Indian Office. It will be noted that the total repayments have been considerably less than the cost of operation and maintenance. Of the increase in cost between 1917 and 1923, almost three million dollars is probably due to the distribution of items of gratuity appropriations between 1884 and 1914, made reimbursable by the act August 1, 1914; these additional charges had not been distributed when the report for 1917 was prepared.

DATA ON INDIAN IRRIGATION PROJECTS

	June 30, 1911	June 30, 1917	June 30, 1925
Cumulative Cost			
Construction .....	\$6,998,486	\$13,320,314	\$25,287,061
Maintenance .....	279,480	1,805,311	7,461,400
Total .....	<u>\$7,277,967</u>	<u>\$15,125,625</u>	<u>\$32,748,461</u>
Cumulative Reimbursements .			
Land under ditch (acres).....	454,485	582,051	2,583,158
			657,101

\* Not reported.

During recent years Congress has authorized the expenditure of money for providing domestic water supply for some Indian tribes, mostly in the Southwest. This work has consisted mainly of the sinking and operation of wells to supply water for stock. The expenditures have been small compared with those for irrigation.

In Minnesota, Nebraska, and Oklahoma it has been necessary to drain Indian lands in order to make them available for agricultural purposes. The Indian Service has never undertaken any extensive drainage projects but Congress has from time to time authorized the use of Indian money to pay for the assessments levied against drained land by drainage districts organized under the laws of the respective states.

*Engineering Work Other Than Irrigation.* In addition to the construction of irrigation works the Indian Service from time to time engages in other work of an engineering character, such as designing and erection of agency buildings, hospitals, and school houses, with the necessary appurtenances, such as water supply and sewerage systems, the building of roads, and the erection of bridges. The construction of schools, agency buildings, and hospitals is

incident to the general work of administration, education, and medical relief, and is generally paid for out of the general appropriation for school and agency buildings or appropriations for specific school or hospital projects.

The building of roads and bridges may be classed as a separate activity carried on to promote the better utilization of Indian lands. These are occasionally built out of the general funds for the support and civilization of Indians, but generally the cost is too great to permit such expenditures, and each project is usually paid for from specific appropriations of either public money or tribal funds.

As regards funds the roads on Indian reservations may be divided into two classes: (1) Through or trunk highways and, (2) local roads. With respect to through or trunk highways, Section 3 of the Federal Highway Act of November 9, 1921 (42 Stat. L., 212), provides in part as follows:

The Secretary of Agriculture is authorized to coöperate with the state highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the state wherein the reservation is located.

In his decisions of May 27, 1922, and April 3, 1924, interpreting this provision, the Comptroller General held that, should the state agree, and if it complies with the other provisions of the act, the entire cost of that portion of any public highway across an Indian reservation may be paid from funds apportioned under the act to the state in which the reservation is located, provided the highway traverses tribal land or allotments held under trust or restricted fee patents. If the highway traverses land which is within the exterior boundaries of an Indian reservation, but which is held under a fee or unrestricted patent, the state is entitled only to the regular percentage of federal aid (usually 50 per cent) for those portions of such highways which traverse the land held in fee or under unrestricted patents.<sup>3</sup>

Prior to the act of November 9, 1921, and the Comptroller General's decisions, Indian reservations had the same status with respect to federal aid as lands elsewhere in the state. If the state

<sup>3</sup> 3 Compt. Gen. Dec. 716.

desired, it could, by complying with the law as it then stood, obtain the regular percentage of federal aid, paying the remainder of the cost itself. However, as tribal land and tracts held under trust or restricted patents are not subject to taxation, this imposed a hardship on the state in many cases, although a few such projects were approved within Indian reservations. As the Indian Service appropriations were so heavily drawn upon for other purposes as to leave little for road work, which usually had to be spent for local roads of immediate benefit to the Indians, it necessarily resulted that the through or trunk highways were left unimproved, except in the few cases where Congress made specific appropriation therefor or the state invoked federal aid on the usual 50-50 basis. Thus, occasionally first class modern highways were built to the reservation line on both sides.

Local roads are built entirely from money under the control of the Office of Indian Affairs, either gratuity appropriations or tribal funds made available by act of Congress.

*Advance of Money to Indians.* The act of 1887 provided for the allotment of land in severalty whenever the President considered such a course advisable. No provision was made, however, for giving the Indian any assistance in developing his property. Untrained in agricultural pursuits and without capital either in the form of cash or farming implements, there was assigned to the Indian a tract of unbroken land on which he was supposed to make a living. In the early years of the operation of the allotment law, considerable money was paid to individual Indians as the result of the sale of their surplus land, but the government exercised no control over expenditure of this money, and much of it was dissipated. It is true that many of the early settlers in the West had little more capital than the allotted Indian, but most of these settlers came from races that had followed agricultural pursuits for centuries, and what was opportunity to the white settlers was a millstone around the neck of the Indian barely emerged from savagery. The result was so much illegal leasing of land that the allotment law appeared to be a failure. Senator Dawes in 1895 made the following comment on the working of the severalty law:

Now takes these Omahas. How much rosy expectation there was in this assembly, and all around, from the prospect of the



Omahas having land allotted to them! And the allotments were made with so much skill and patience and work by Miss Fletcher. When it was done, we turned our backs upon them. They had fifty thousand acres of spare land. They had \$90,000 in the treasury, paying six per cent interest, and we went off and left them; and the white people built a little town on the edge of their reservation, so as to have the advantages of trade with these men. Then a company was formed to take leases of their land which was allotted them for homes. Why, an allottee has not any title in his land,—not a particle. The United States is the owner of the land, and the United States covenants to keep that land for his sole use and benefit. You do not want to give him any courts to enforce his rights. You want to make the United States do its duty. He could not sue a man for taking possession of his land because he does not own his land. It is the United States land, and the United States is bound by solemn covenant to keep it for his sole use. If the United States will do its duty in the courts of the districts of Nebraska, they will put every one of those intruders off from that land, and put these men back in possession of it. That is what they must do. It is the fault of the administration of Indian affairs from beginning to end. I am not criticizing government officials. I think there has been more fault in that administration with which I have more affinity than I have with this, and I am glad to hear such encouraging things from this administration. I believe it is honestly trying to get back to the place from which it ought never to have departed. It should have held to the idea that the severalty act was only an open door to make a home, and that the home was to be built thereafter and by the same processes by which you are educating the Indians, and with the same care and solicitude; that he should be followed hour by hour until the time of his probation, as specified in the allotment bill, shall have expired, and then pray, as well you may, that he will not fall after that. You will have just as much as you can do at the end of that time. Why, twelve of the twenty-five years of probation for the Omahas are already passed; and to-day they are in a worse condition than they were when they were allotted. You may say what you please about it. I have been there. The poor fellows have lost their land to these land-grabbers, who have paid them only just enough to supply them with whiskey; and that is all they get for it. They know no more about the duties and obligations and work of a civilized citizen to-day than they did when they began. But a few years ago there came to Washington a delegation of ten, headed by one Daniel Webster, and they came to the Congress of the United States, and asked it to undo this act; and I asked Daniel Webster, the chairman of that delegation, what in the world he meant. I asked him if he had no desire to be a citizen of the United States, and

have a home and live in the ways of white men. Oh, well, he said, it was a good deal of trouble. It was a great deal easier for the United States to take care of them than it was for them to take care of themselves, and so he begged us to undo it. Do you think the people who feel an obligation to do something to civilize and Christianize the Indian have done their duty toward these people? "

During the early years of the operation of the severalty act little aid was given to the allottees, but later equipment was supplied in exchange for labor on reservation property. In 1908 and 1909 appropriations were made to enable money to be advanced to the Indians under the Fort Belknap superintendency and in 1910 for those under the Tongue River superintendency. For the fiscal year 1911 and each succeeding fiscal year except 1912, general appropriations for this purpose were made. In addition tribal funds have been used to some extent. This money has been expended for the purchase of implements, stock, seed, and building material for individuals and for acquiring tribal herds for some of the reservations. Advances are made only to Indians holding trust and restricted fee patents, the individual who has received his fee patent without restrictions being required to obtain his capital from commercial sources. Cash is not given to the Indians, but the superintendent purchases needed articles and turns them over to the allottee upon the execution of an agreement to reimburse the government in installments. The limit or credit to any individual Indian or family is \$600.

Staple articles are carried in stock at reservation headquarters, but it is often necessary to purchase supplies in the open market. The local superintendent is the sole judge of the desirability of extending credit within the limits of the money advanced to him out of the general appropriation. The articles are sold to the Indian at cost price delivered at reservation headquarters, plus 5 per cent for handling. No interest is charged on goods purchased out of government funds, but if the articles are paid for out of tribal funds, interest is charged at the rate the tribal funds would have drawn if the money had remained in the Treasury.

When an account is overdue the government may retake the property, if it is of such character that it can be retaken, in which case the Indian is credited with the value at that time; the govern-

"Lake Mohonk Conference, Proceedings, Vol. 13, p. 50.

ment may also liquidate the debt from any other funds in the possession of the government due the individual Indian.

Up to 1914 the appropriations for aiding the industrial development of Indians had been used solely for advances to individuals. About this time the plan was developed of purchasing tribal herds for reservations where allotments had not been made in severalty. This plan of building up a large tribal property was somewhat out of line with the policy that had been developed for a number of years of breaking up the tribal relations and property and putting all the Indians on an individual basis, but it was designed to utilize the large area of unused grazing land, to educate the Indian in the livestock industry, and to provide a market for the hay produced by the Indians. Both government and tribal funds were used for the purchase of tribal herds, but the appropriation acts for the fiscal year 1921 and subsequent years have prohibited the use of government funds for the purchase of tribal herds.

The table below shows the expenditure for tribal herds from 1914 to 1918; later data have not been published.

EXPENDITURES FOR TRIBAL HERDS, 1914 TO 1918

Agency	Gratuity	Tribal cost	Total	Number in herd, 1918
Blackfeet .....	\$117,961.82	\$144,716.85	\$262,678.67	5,844
Colville .....	.....	24,782.30	24,782.30	366
Fort Apache .....	38,022.89	1,243.50	39,266.39	708
Crow .....	.....	716,835.37	716,835.37	18,661
Fort Belknap .....	145,114.05	28,343.15	173,457.20	2,160
Fort Hall .....	.....	73,586.30	73,586.30	1,472
Jacarilla:				
Cattle .....	82,988.88	17,252.97	100,241.85	1,858
Sheep .....	41,037.03	16,235.58	57,272.61	9,941
Kaibab .....	15,956.06	.....	15,956.06	206
Lower Brule .....	29,123.33	35,098.00	64,221.33	387
Mescalero .....	71,109.65	31,783.58	103,893.23	4,269
Pueblo Bonito .....	3,009.95	497.72	3,507.67	1,107
Salt River .....	14,700.00	.....	14,700.00	286
San Carlos .....	38,429.72	133,446.73	171,876.45	3,908
Shoshone .....	.....	196,446.89	196,446.89	7,320
Tongue River .....	67,522.42	20,989.56	88,511.98	1,516
Truxton Canyon .....	2,852.60	97,840.91	100,693.51	1,830
Walker River .....	35,778.27	62.77	35,841.04	1,015
Total .....	\$703,606.67	\$1,539,162.18	\$2,242,768.85	62,854

The table on the following page shows the extent to which advances and repayments have been made in recent years. In the case of repayment of money advanced for tribal purposes, the complete repayment does not necessarily indicate that the transactions were profitable, as the payment may have been made from other funds held by the government in trust for the tribe.

During the fiscal year 1925 the expenditures, by objects of expenditure, was as follows:

Salaries and wages .....	\$8,152.09
Fuel .....	484.12
Forage ... ..	9,007.15
Provisions .....	4,137.47
Sundry supplies (seed) .....	44,662.56
Travel .....	609.74
Freight .....	5,821.72
Rents .....	55.00
Repairs and alterations .....	1,851.06
Livestock .....	36,140.92
Other equipment .....	21,712.91
Structures .....	9,556.93
Total .....	\$142,191.67

*Promotion of Agriculture and Stock Raising.* As has been pointed out on other pages the education of the Indian is primarily designed to be vocational. In the manual and mechanical trades the instruction necessarily ends when the Indian leaves school, but for the Indian who farms his allotment or raises stock, instruction is given through farmers and stockmen employed for this purpose. Some of the early treaties provided for the employment of farmers, and after the reservation system became fully developed it came to be the general policy to appoint farmers to instruct the Indians in agricultural pursuits. In the early days the farmers, like other reservation employees, were appointed for political reasons, and there is reason to believe that in many cases they knew more of politics than of agriculture. Later the farmers were used largely as clerical assistants to the superintendents and as late as 1914 the Commissioner, in a circular letter to superintendents, called attention to this condition in the following words:

I cannot refrain from calling attention to a situation that is very unsatisfactory. I have information from dependable sources, and from all sections of the country, that farmers in the Indian

# ACTIVITIES

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## MONEY APPROPRIATED TO ENCOURAGE INDUSTRY AMONG INDIANS AND REPAYMENTS

Fiscal year	Reservation	Appropriation	Expenditures <sup>a</sup>			Repayments <sup>b</sup>		
			For individuals	For tribal purposes	Total	By individuals	From tribal property	Total
1909.....	Fort Belnap	\$25,000	z	z	<sup>a</sup> \$29,768	z	z	\$24,380
1911.....	Tongue River	d 15,000	.....	.....	<sup>c</sup> 34,295	z	z	32,316
1912.....	All reservations	d 30,000	.....	.....	.....	.....	.....	.....
1914.....	do	100,000	\$80,208	\$90,598	.....	\$49,648	\$46,352	98,000
1915.....	do	600,000	297,742	284,816	582,558	374,143	223,366	<sup>c</sup> 397,599
1916 <sup>a</sup> .....	Tongue River	25,000	268,955	272,292	25,000	308,001	244,464	<sup>c</sup> 25,370
1917.....	All reservations	d 300,074	225,211	41,123	540,347	150,214	33,431	<sup>c</sup> 552,465
1918.....	do	d 400,045	181,694	183,974	266,334	87,677	136,781	283,645
1919.....	do	d 150,094	21,158	120,122	365,938	9,945	88,859	244,458
1920.....	Choctaws of Mississippi	25,000	20,332	78,927	24,997	40,565	z	98,864
1921.....	All reservations	100,082	60,360	31,599	99,259	55,815	40,257	1,852
1922.....	Choctaws of Mississippi	10,000	57,279	27,464	9,927	z	12,315	80,822
1923.....	All reservations	100,000	52,681	7,326	84,743	43,572	1,685	68,130
1924.....	Choctaws of Mississippi	10,000	58,492	15,596	7,959	38,762	z	45,257
1925.....	All reservations	8,000	119,830	8,310	60,507	z	730	80,822
1926.....	Choctaws of Mississippi	8,000	z	z	5,938	600	3,400	39,492
1927.....	All reservations	150,000	z	z	74,088	z	z	14
1928.....	Choctaws of Mississippi	8,000	z	z	7,517	z	z	4,000
1929.....	All reservations	8,000	z	z	128,140	z	46,223	z
1930.....	Choctaws of Mississippi	8,000	z	z	1,957	z	z	z

<sup>a</sup> Total expenditures out of appropriation regardless of year in which made.

<sup>b</sup> Repayments to the credit of the particular appropriation without regard to year in which made.

<sup>c</sup> Repayments again available for expenditure during a limited period.

<sup>d</sup> Appropriation immediately available, expended in part during preceding fiscal year.

<sup>e</sup> Five per cent added to all expenditures to offset possible losses.

<sup>f</sup> Not available.

Service devote most of their time to work associated with the business end of the agencies; that our farmers, with a few notable exceptions, are not in fact practical and helpful as farmers; that they do not go out among the Indians on their farms as they should and as hereafter I earnestly desire them to do. It is almost discouraging to contemplate that after years of employment of men who have been especially charged with the work of advancing the farming interests of the Indians not more has been accomplished.

Commencing immediately, I wish word to go down the line from the Indian Office in Washington to the agencies, and from the agency throughout every reservation and on to each allotment, that every Indian Service farmer shall give his time to actual farming, and that under no circumstances shall he continue, as so generally has been done, making the office work the first consideration and the promoting of the farm work of the Indians secondary. These things must be reversed.

Congress, the taxpaying public, and the Indians have a right to expect full return for every dollar appropriated and such permanent industrial advancement of the Indians each year as will justify the maintenance of the force of farmers and stockmen now employed and give promise that eventually they may no longer be required.<sup>11</sup>

In 1927 there were employed 157 farmers and fifty-seven stockmen to instruct the Indian in proper methods of farming and care of livestock. Where there is more than one farmer or stockman the reservation is divided into farm or stock districts, each of which is in the charge of a farmer or stockman. The salaries of farmers and stockmen are paid out of the general appropriation for "Industrial work and care of timber," which is also used for other purposes, and also out of tribal funds and specific appropriations for the support and civilization of various tribes. No figures are available showing the total cost of this work.

In coöperation with the Bureau of Plant Industry the Indian Service maintains several experimental farms, the most important being at Sacaton, Arizona. These experimental farms are used for the development of plants that are adapted to cultivation by the Indian and to the climatic conditions under which they are grown. Agricultural fairs are also held on various reservations in order to stimulate interest in agriculture, and the Indians are encouraged to exhibit their products at the county fairs.

<sup>11</sup> Dept. of the Interior, Annual Reports, 1914, Vol. 2, p. 23.

During recent years the Indian Service has also had an appropriation of \$12,000 for reimbursing Indians for livestock which may be destroyed because of infection with contagious diseases.

*Obtaining Employment for Indians.* In order to improve the economic condition of the Indian, an agency has been operated since 1905 for placing Indians in touch with opportunities for obtaining remunerative employment. Generally the employment work has been carried on in localities where there has been construction work on a large scale, such as the building of railroads and irrigation structures. Present efforts to obtain employment are centered in the Southwest, where many Indians work in cotton fields. In the cotton region of Arizona a fleet of trucks is operated to transport the Indians from their homes to their place of work.

**Promotion of Home Economics.** For some years field matrons have been employed "to teach Indian women and girls housekeeping and other household duties."

It is the duty of the field matrons to visit the Indian women at their homes, and to give them counsel, encouragement, and help in the general care of the house and surroundings, hygiene, and sanitation; the preparation and serving of food; the keeping and care of domestic animals, including dairy stock; the care of children and of the sick; the organization of societies for social and intellectual improvement; and anything else that will promote the civilization of the Indians, particularly with respect to their home life and surroundings.

In 1927 thirty-three field matrons were employed.

In his testimony before the Committee on Appropriations on the Interior Department bill for the fiscal year 1925 the Commissioner of Indian Affairs made the following statement:

. . . And in connection with the subject of health, I would like to be able to supplant many of the field matrons that we now have in the service who only receive a small stipend. Many of them are old, and perhaps the wife of a farmer in the district where they are located.

\* \* \*

Now, if we could have in their places younger women and then have more places that could be filled with younger women who are either trained as nurses or trained in welfare work, it would be, in my opinion, one of the most helpful things that we could have

in our Indian Service. It would make it unnecessary to have as many doctors as otherwise we might have and very much like the county nurses who are now employed in a great many of the States in the several counties, they could be of great assistance; and having this in mind two years ago, I took up with the American Red Cross the question of asking for coöperation and assistance in doing demonstration and survey work upon some of the reservations for the purpose of the information that it would develop and also for such assistance as it would be, limited, of course, but in places where they might go; and the Red Cross furnished us with three nurses and at the end of the year, they continued them for this year and they have been in the field, two in the Southwest, one among the Sioux in South Dakota, and they have not only been very helpful, but they have made reports that are illuminating and we expect to give them some publicity at such time as we believe it is opportune to ask for additional funds for this particular work.<sup>12</sup>

During recent years it has been the policy to reduce the number of field matrons and increase the number of field nurses.

**Support of Indians.** After the reservation policy was generally adopted, about 1870, it was incumbent upon the government to feed the Indian, as the settlement of the West prevented him from obtaining subsistence from hunting, the situation in 1900 being described by Commissioner Morgan as follows:

The ration system is the corollary of the reservation system. To confine a people upon reservations where the natural conditions are such that agriculture is more or less a failure and all other means of making a livelihood limited and uncertain, it follows inevitably that they must be fed wholly or in part from outside sources or drop out of existence. This is the situation of some of the Indian tribes to-day. It was not always so. Originally and until a comparatively recent period the red man was self-supporting. Leading somewhat of a nomadic life, he roamed with unrestricted freedom over the country in pursuit of game, which was plentiful, or located upon those spots fitted by nature to make his primitive agriculture productive. All this is changed. The advent of the white man was the beginning of the end. From east to west, from one place to another, like poor Jo in *Bleak House*, the Indian has been "movin' on" until he can go no further. Surrounded by whites, located upon unproductive reservations often in a rigorous climate, he awaits the destiny which under existing conditions he

<sup>12</sup> House Hearings on Interior Department appropriation bill, 1925, pp. 130-31.



is powerless to avert. Of the causes that led to this or of the wisdom or unwisdom of the policy pursued it is not necessary now to speak. The purpose of this is to discuss the present and not to criticise the past.

\* \* \* \*

The evils likely to arise from the gratuitous issue of rations were early anticipated by the Government and steps taken looking to their prevention. In 1875, for the purpose of inducing Indians to labor and become self-supporting, Congress passed a law requiring all able-bodied male Indians between the ages of 18 and 45, in return for supplies and annuities issued them, to perform services upon the reservation for the benefit of themselves or the tribe to an amount equal in value to the supplies to be delivered, and that such allowances should be distributed to them upon condition of the performance of such labor. The Secretary of the Interior, however, was authorized to exempt any particular tribe from its operations where he deemed it proper and expedient.

In accordance with the letter and spirit of that law, the Regulations of the Indian Office make it the duty of an agent to distribute supplies and annuities according to labor. These regulations go further than this, and in order to enable agents not only to encourage, but also to enforce, regular labor among Indians, require that sugar, coffee, and tea, except in cases of old age or infirmity, shall be issued to Indians only in payment for labor performed by them for themselves or for the tribe. The regulations also make it the duty of agents to see that each able-bodied male Indian is given an opportunity to labor, and when this is done to judge whether or not the Indian is entitled to a daily ration, determining the matter rather from the spirit and disposition to work manifested than from the value of the work performed. Though agents are required to and do certify upon the issue vouchers that labor has been performed upon the reservations by the Indians to whom the supplies have been issued, it may be doubted if either the letter or spirit of the law and regulations are complied with on some of the reservations.

There has been a decided improvement in the method of issuing rations in late years. The old-fashioned way was for the Indians to assemble at a central supply station on ration day. At a given time the cattle, wild by nature, frightened and desperate by their surroundings, were turned loose to be chased by the Indians, yelling and whooping, and shot down upon the prairie in imitation of the savage method of buffalo hunting of the early days. When the animal was killed a motley assembly of Indians, ponies, and dogs of all sizes and ages gathered around where it lay. The bucks and squaws gorged themselves upon the raw entrails and smoking blood, the hide was taken to the traders, and the squaws divided up the

carcass and took it away. To satisfy a morbid curiosity people used to travel sometimes a long distance to visit the agencies on ration day to witness these savage sights. Another evil connected with the old system which hindered the progress of the Indians was the time necessarily consumed by them in going to and from the central issue station. In many instances the distance they had to travel was so great that they were almost continuously on the road. All of that has been done away. Issue stations have been established at convenient places. Beef, with other supplies, is issued to them in a civilized way, and the necessity for so much travel no longer exists.<sup>78</sup>

As the Indians have progressed in industry and ability to earn their own living, rations and other supplies have been issued generally only to the aged and infirm or sometimes to able-bodied individuals in reservations where there was a general crop failure. In the fiscal year 1900 rations valued at \$1,231,000 were issued to 57,570 Indians. The following table shows, for selected fiscal years, the number of Indians receiving rations and miscellaneous supplies in return for labor and without labor equivalent, with the value of the goods issued. The aggregate number of individuals receiving both rations and other supplies cannot be shown, as undoubtedly some Indians received rations, some supplies, and some both. It is probably safe to assume that most of the Indians given assistance received both rations and supplies, and that the number receiving rations is a close approximation of the total obtaining relief of this character.

ISSUE OF RATIONS AND MISCELLANEOUS SUPPLIES, BY FISCAL YEARS

	1900	1912	1917	1925
Rations				
Number of Indians receiving				
In return for labor.	"	1,415	1,110	1,407
Without labor equivalent				
Able-bodied .....	"	5,175	4,941	1,845
Disabled .....	"	10,089	9,034	6,208
Total .....	57,570	16,679	15,085	9,460

<sup>78</sup> Commissioner of Indian Affairs, Annual Report, 1900, pp. 5, 8.

ISSUE OF RATIONS AND MISCELLANEOUS SUPPLIES—*Continued*

	1900	1912	1917	1925
<i>Rations—Continued</i>				
Value of rations issued				
In return for labor.	"	\$37,262	\$14,264	\$6,657 <sup>a</sup>
Without labor equivalent .....	"	363,470	260,830	\$174,677 <sup>a</sup>
Total .....	\$1,231,000	\$400,732	\$275,094	\$181,334 <sup>a, d</sup>
<i>Miscellaneous supplies</i>				
Number of Indians receiving				
In return for labor.	"	3,501	2,473	1,263
Without labor equivalent	"			
Able-bodied .....	"	635	1,547	799
Disabled .....	"	1,339	1,263	2,055
Total .....	"	5,475	5,283	4,117
Value of supplies issued				
In return for labor.	"	\$45,743	\$31,089	\$9,346 <sup>a</sup>
Without labor equivalent .....	"	15,953	51,023	18,351 <sup>a</sup>
Total .....	"	\$61,696	\$82,112	\$27,697 <sup>a, d</sup>
<i>Aggregate value of rations and miscellaneous supplies</i>				
In return for labor..	"	\$83,005	\$45,353	\$16,003 <sup>a</sup>
Without labor equivalent .....	"	379,423	311,853	193,028 <sup>a</sup>
Total .....	<sup>b</sup> \$1,231,000	\$462,428	\$357,206	\$209,031 <sup>a, d</sup>

<sup>a</sup> Not reported.<sup>b</sup> Rations only, value of miscellaneous supplies not reported.<sup>c</sup> Figures are for 1926.<sup>d</sup> These figures do not include \$24,000 for Blackfeet and \$2,544 for Seminole which are not reported separately.

In this statement no account is taken of the food, clothing, and other supplies furnished to students in the boarding schools, the cost of these items being charged to education.

**Policing of Indian Reservations and Punishment of Offenses of Indians.** Three jurisdictions—federal, state, and tribal—are exercised on Indian land.<sup>14</sup> As in other portions of the country, the federal courts have jurisdiction over offenses against the United States by both Indians and whites which are covered by the general penal code of the United States; examples being such offenses as counterfeiting, robbing the mails, and the illegal manufacture and sale of intoxicating liquor. The federal courts also have jurisdiction over offenses on Indian land by whites against Indians, or *vice versa*, which are covered by various statutes relating to the Indian country. As regards crimes on Indian land by restricted<sup>15</sup> Indians against Indians, the United States has jurisdiction over eight offenses; namely, murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary and larceny (23 Stat. L., 385; 29 Stat. L., 487; 35 Stat. L., 1151).

Except for the eight crimes mentioned above, the jurisdiction of the United States and that of the states on Indian land does not extend to offenses by restricted Indians against restricted Indians, to any Indian who has been punished by the local law of the tribe, or to any case where by treaty stipulations exclusive jurisdiction may be secured to the tribes (Rev. Stat. 2146).

Except for offenses against the penal code, the criminal jurisdiction of the United States over Indians is limited to restricted Indians on Indian land, the Indians who have received unrestricted fee patents being amenable to state law and the process of state courts. But a restricted Indian who commits an offense outside a reservation is subject to state law.

Except for crimes against the United States, referred to above, offenses by white persons on a reservation, against whites, are within the jurisdiction of the state courts, unless the jurisdiction over the reservation was expressly reserved to the United States upon the admission of the state,<sup>16</sup> or was ceded by the state

<sup>14</sup> The term "Indian land" is here used to include reservations and allotments held in trust.

<sup>15</sup> The term "restricted Indian" is here used to include those whose patents are held in trust and those whose fee patents contain a restriction against alienation.

<sup>16</sup> *United States v. McBratney* 104 U. S. 621 (1881); *Draper v. United States*, 164 U. S. 240 (1896).

legislature. In South Dakota the federal courts also have jurisdiction over all offenses committed on reservations, regardless of the race of the offender or of the person against whom the crime was committed, the jurisdiction over reservations in this state having been ceded to the United States (Laws of South Dakota, 1901, Chap. 106; 32 Stat. L., 793; 35 Stat. L., 1151).

As on some reservations unrestricted Indians, restricted Indians, and white settlers occupy contiguous allotments, three jurisdictions are in effect for offenses ordinarily punishable by state law, the scope of each of these jurisdictions depending on the character of the offense and the status of the offender: (1) That of the United States, (2) that of the state, and (3) that of the tribe, which is no jurisdiction to speak of.

The Five Civilized Tribes, before the tribal governments were abolished, had codes of law and regularly constituted courts of records, but no other tribes have had either written laws or regularly established courts, whatever action was taken being in accordance with established tradition and custom. Except for the Five Civilized Tribes, each tribe had a most primitive system of common law, if a mass of tradition and custom not reduced to writing may be termed a legal system. Every tribe being independent, each so called system differs from every other one.

So far mention has been made only of offenses against persons and property, but the same condition exists as regards offenses against public policy, such as unlawful cohabitation. Strictly speaking, there can be no unlawful cohabitation of Indians on Indian land because the state law does not apply and there is no federal law on the subject. The necessity for legislation on the matter of marriage and divorce was discussed in 1919 by the Board of Indian Commissioners as follows:

Years ago, before the Indians began to discard the blanket and moccasin for the more convenient clothing of the white man, the two races were so far apart that Indian marriages and divorces were regarded as customs of an alien people. But year after year the two races have been coming closer and closer together. . . . We have knowledge of no reservation where the Indians are so remote from white centers of population, so backward in civilization, that we can be justified in condoning open immoral practices simply by regarding them as unmoral tribal customs. The points of contact

between Indians and whites are too many and too intimate to further sanction what is practically open adultery within Indian reservations.

And yet that is exactly what the Government is sanctioning today, for the department has ruled that in cases of noncitizen Indians, living in tribal relations, mere separation for the purpose of terminating the marriage relations constitutes a tribal divorce and is recognized as valid whether the marriage was by Indian custom or legal ceremony. This ruling was made by the department on a case submitted by the Indian Office in connection with the probate of an Indian estate, and was justified by the total lack of congressional legislation relating to such cases."

The Indian Service has tried to fill to a certain extent the gap in the legal system as applied to the Indians. Every agency and reservation has had its jail or guard house, and the officer in charge has placed refractory Indians under arrest, although generally such action was taken only when the conduct of the Indian interfered with the administration of the reservation. In the early days the Indians were left to settle their own affairs in their own way.

The right of an Indian agent or superintendent to imprison Indians has been questioned twice, but in neither case was the matter taken to the Supreme Court, and the rulings cannot be considered as final. In 1879 General Crook arrested Standing Bear and some Ponca Indians, who had left the reservation assigned to them in the Indian Territory and proceeded to Nebraska. A writ of *habeas corpus* having been sued out, the United States district court for Nebraska held that the Indians were entitled to the benefits of the writ, and that there was no authority to place them under arrest."<sup>7</sup> This decision, however, has never been accepted as final by the Indian Service.

Again in 1907, a Navajo Indian, By-a-lil-le, was arrested by troops and confined by order of the Interior Department at Fort Huachuca. On its moral side this case differed materially from the earlier one cited above. Standing Bear and his followers were engaged in a peaceable and harmless migration, while By-a-lil-le was the leader of a band of outlaws. Nevertheless, the Supreme Court of the Territory of Arizona held that as he was not a prisoner

<sup>7</sup> Board of Indian Commissioners, Annual Report, 1919, p. 6.

<sup>8</sup> United States *ex rel* Standing Bear v. George Crook, 5 Dillon, 453 (1879).

of war, he could not be held in confinement at the order of the executive department, a portion of the decision relating to this point being as follows:

. . . it is urged with great earnestness that the Indians are but wards of the government, and therefore are subject to administrative correction of their conduct as are other wards to the correction of their guardians; that the disposition which has been made of these Indians is pursuant to a long-followed policy of the Departments of the Interior and of War, and that it is highly salutary in safeguarding the relations of the Indian to the government and to their white neighbors and, indeed, among themselves. However salutary in its results and desirable such a method of dealing with recalcitrant Indians may be, and however long such a system may have prevailed, it cannot be sanctioned, unless there is authority for it in the acts of Congress. Indians are not wards of the executive officers, but wards of the United States, acting through executive officers, it is true, but expressing its fostering will by legislation. We may pass, as unnecessary to determine, the question whether Congress may constitutionally vest in executive officers such summary authority as is here sought to be exercised. Our attention has not been directed to legislation expressly authorizing such summary methods. Comprehensive authority is conferred upon the President by Sections 463, 465 of the Revised Statutes of the United States (U. S. Comp. Stat., 1901, pp. 202-264), to control the conduct of Indian Affairs by his regulations; but we do not find a general rule or regulation promulgated by or under the authority of the President applicable in this case."

In 1883 the Secretary of the Interior authorized the establishment of courts of Indian offenses under the general authority conferred by Sections 463 and 465 of the Revised Statutes." These courts consist of from one to three Indian judges, appointed by the officer in charge of the reservation with the approval of the

"*In re* By-a-lil-le, 12 Arizona 153-154 (1909).

"Section 463, the provisions of which were originally in the act of July 9, 1832 (4 Stat. L., 564), is as follows:

"Sec. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations."

Section 465, originally a portion of the act of June 30, 1834 (4 Stat. L., 738), is as follows:

"Sec. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs."

Commissioner of Indian Affairs. The offenses over which they have jurisdiction, as defined in the original order and not materially changed since, are participation in the sun dance and similar dances, plural marriages, practices of medicine men, destroying or stealing property, payment of money for cohabitation, misdemeanors, and civil suits. Punishment is generally in the form of a fine, although the court may order imprisonment. All decrees are subject to the approval or disapproval of the officer in charge of the reservation, and an appeal may be taken to the Commissioner of Indian Affairs.

The appropriation for the salaries of the judges is \$8400 for the fiscal year 1927 and \$15,000 for the fiscal year 1928. While the legality of these courts has been upheld by a Federal district court,<sup>81</sup> their power rests on the rather shadowy foundation of the "acquiescence of the disciplined."<sup>82</sup> They "are the kind of courts we find sometimes maintained among whites by the tacit consent of a popular majority in a mining camp or a logging district far removed from civilization where nobody knows just what the law is on any subject, but where everyone recognizes the necessity of some fixed center of authority as a refuge from anarchy."<sup>83</sup> Mr. Leupp states that when Commissioner, he heard so much both for and against these courts that he asked "agents and superintendents to express their opinion whether it was worth while to keep up such judicial forms which covered no enforceable powers." The general verdict, however, was that the courts did exercise a salutary influence.<sup>84</sup>

In the spring of 1927 the courts of Indian offenses were maintained at the following agencies:

#### COURTS OF INDIAN OFFENSES

Blackfeet, Montana.	Fort Berthold, North Dakota.
Cheyenne River, South Dakota.	Fort Hall, Idaho.
Coeur d'Alene, Idaho.	Fort Peck, Montana.
Colville, Washington.	Fort Yuma, California.
Crow Agency, Montana.	Hoop Valley, California.
Crow Creek, South Dakota.	Hopi, Arizona.
Flathead, Montana.	Kaibab, Arizona.
Fort Belknap, Montana.	Keshena, Wisconsin.

<sup>81</sup> United States v. Clapox, 35 Fed. Rep. 577 (1888).

<sup>82</sup> Leupp, The Indian and his problem, p. 246.

<sup>83</sup> *Ibid.*, p. 241.

<sup>84</sup> *Ibid.*, p. 242.



COURTS OF INDIAN OFFENSES—*Continued*

Lac du Flambeau, Wisconsin.	Southern Navajo, Arizona.
Leupp, Arizona.	Standing Rock, North Dakota.
Mission, California.	Taholah, Washington.
Northern Navajo, New Mexico.	Tongue River, Montana.
Pima, Arizona.	Tulalip, Washington.
Pine Ridge, South Dakota.	Turtle Mountain, North Dakota.
Red Lake, Minnesota.	Umatilla, Oregon.
Rocky Boy's, Montana.	Warm Springs, Oregon.
San Carlos, Arizona.	Western Navajo, Arizona.
Sells, Arizona.	Western Shoshone, Nevada.
Shoshone, Wyoming.	

An interesting picture of one of these tribunals on the Blackfeet Reservation, acting as a court of domestic relations, was given Mr. Merrill E. Gales some years ago.<sup>88</sup>

Judge "Shorty White-grass" presided. An immense head with strongly marked features; a deep chest and powerful arms and shoulders, and a voice which would fill easily and well the chamber of our House of Representatives at its noisiest, would lead you to expect a well-proportioned man of more than six feet in height. But he is only four feet eight inches high, however; and he wears his black hair long, and is fond of carrying on his left arm a green parrot, which is vaguely suspected of whispering oracular wisdom now and then into the ear of the judge. He is a great "medicine man" among his people, and with the old chief, White Calf, Lone Plume, Mad Wolf, and other conservatives of the tribe, he spends his Sundays in worshipping and praying to the Beaver god. The two associate justices were "Little Plume" (s son of Chief White Calf) and "Wolf Tail."

The three judges are seated behind a table at the end of the court room. When I enter they rise and bow courteously and point me to a seat beside them, where an interpreter, a returned Carlisle student, "Englishes" the proceeding for me sentence by sentence. Ranged down either side of the room stands a row of wooden chairs against the wall. Members of the Indian police, sterling fellows in uniform, with good, intelligent faces, act as messengers and officers of the court. Ten or a dozen Indians are interested but stoically quiet spectators. The case before the court as I enter is concerned with certain domestic infelicities in the married life of an Indian ranchman and his wife. "Cowbedding" is his name, and he and his wife had a quarrel last Saturday evening. She complained to the police, and asked that the court take action; but before her complaint could be acted upon her husband had gone to the police voluntarily, saying that he had acted badly to his wife and she toward him, and

<sup>88</sup> Lake Mohonk Conference, Proceedings, Vol. 17, pp. 63-65 (1899).

he thought it best that the matter should come before the court. Proceedings in the court room are formal, quietly dignified, almost stately, notwithstanding the homely nature of the matter brought before the court. Impressive silences intervene between successive pieces of testimony and between the utterances of the different members of the court. . . .

The judges called upon her to tell her story first. . . .

Then Cowbedding told his story. . . .

After an impressive silence, Judge Shorty White-grass, having consulted briefly with the other judges, rose to the occasion and pronounced the decision of the Court. The Indian love of oratory was strong in him, and he was not by any means unaware of the presence of a stranger from Washington, and evidently he was not averse to letting that stranger hear the moral maxims which the Court held applicable to such cases. But on the whole it was as kindly a mingling of paternal and neighborly advice with the administration of rudimentary justice, as one could ever hope to hear. He told them how a married couple ought always to live, loving one another and helping one another. He affirmed that the Court were unanimous and clear, upon the testimony, that the quarrel had been unseemly, reprehensible, disgraceful! But since careful questioning had elicited the fact that the blow with the dipper had not caused lameness or made a bad wound, and since the mother, by her own admission, had struck and pushed over her little child, thus partly excusing Cowbedding's anger, the Court had decided not to punish either of them further. But the Court expressed the strong hope that they would live together hereafter as they knew they ought to live; and now they must sit still beside each other in the court room and think over what they knew was right until they could do it, and then they might go home.

The Indian police force "to be employed in maintaining order and prohibiting illegal traffic in intoxicating liquor on the several Indian reservations" was first provided for in the appropriation act for the fiscal year 1879, approved May 27, 1878 (20 Stat. L., 86). This act limited the force to 430 privates at five dollars a month and fifty officers at eight dollars a month, the total appropriation being \$30,000. An appropriation has been made each year, the one for the fiscal year 1928 being \$160,000, the salary being fixed at not exceeding forty dollars per month for privates and sixty dollars per month for chiefs of police.

This police force is Indian both in composition and duties, only a few white men have occasionally been appointed as officers. Its members exercise general police duty on the reservation, and

in addition act as couriers, truant officers, and interpreters. Mr. Leupp gives the following evidence on the character of this force:

. . . As a rule, the police do their duty well. It is no easy one, because it often brings them into conflict with white men of the lower class who are bent on some illicit scheme, and who resent interference from a functionary not of their own race. But the faithfulness of the police under adverse conditions has long been a proverb in the Indian Service, and their readiness to face death in carrying out their instructions has been proved a great many times. The worst of it is that some of the errands on which they are sent may require them to take their lives in their hands in a double sense. A celebrated case in point was that of five policemen on the Cheyenne River reservation who in 1896 were ordered to arrest a notorious squawman accused of an attempt to kill his wife. When they approached his cabin he ran out at them with an axe, and in self-defence they shot him dead. As he was a white man the courts took notice of the incident, and the police were indicted for the murder and tried, had to spend all their little possessions on attorneys' fees and court costs, and, but for a very ably conducted defence, would probably have been hanged. The whole proceeding against them was a farce, but it had to be played through for political reasons, and to give employment and mileage money to a few white deputy marshals recruited from the heelers brigade.<sup>80</sup>

In the early part of 1927 Indian police were stationed at the agencies listed below; the number at each agency is given in the outline of organization.<sup>81</sup>

#### AGENCIES HAVING INDIAN POLICE

Blackfeet, Montana.	Flathead, Montana.
Cantonment, Oklahoma.	Fort Apache, Arizona.
Carson School, Nevada.	Fort Belknap, Montana.
Cherokee, North Carolina.	Fort Berthold, North Dakota.
Cheyenne and Arapaho, Oklahoma.	Fort Bidwell, California.
Cheyenne River, South Dakota.	Fort Hall, Idaho.
Cœur d'Alene, Idaho.	Fort Lapwai, Idaho.
Colorado River, Arizona.	Fort Peck, Montana.
Colville, Washington.	Fort Totten, North Dakota.
Consolidated Chippewa, Minnesota.	Fort Yuma, California.
Consolidated Ute, Colorado.	Havasupai, Arizona.
Crow Agency, Montana.	Hayward, Wisconsin.
Crow Creek, South Dakota.	Hoop Valley, California.
Eastern Navajo, New Mexico.	Hopi, Arizona.

<sup>80</sup> *Op. cit.*, p. 244.

<sup>81</sup> See Appendix 2.

AGENCIES HAVING INDIAN POLICE—*Continued*

Jicarilla, New Mexico.	Salt River, Arizona.
Kaibab, Arizona.	San Carlos, Arizona.
Keshena, Wisconsin.	Sells, Arizona.
Kiowa, Oklahoma.	Shawnee, Oklahoma.
Klamath, Oregon.	Shoshone, Wyoming.
Lac du Flambeau, Wisconsin.	Sisseton, South Dakota.
LaPointe, Wisconsin.	Southern Navajo, Arizona.
Leupp, Arizona.	Southern Pueblos, New Mexico.
Mescalero, New Mexico.	Standing Rock, North Dakota.
Mission, California.	Taholah, Washington.
Neah Bay, Washington.	Tongue River, Montana.
Northern Navajo, New Mexico.	Truxton Canyon, Arizona.
Northern Pueblos, New Mexico.	Tulalip, Washington.
Pawnee, Oklahoma.	Turtle Mountain, North Dakota.
Phoenix School, Arizona.	Uintah and Ouray, Utah.
Pima, Arizona.	Umatilla, Oregon.
Pine Ridge, South Dakota.	Walker River, Nevada.
Potawatomi, Kansas.	Warm Springs, Oregon.
Red Lake, Minnesota.	Western Navajo, Arizona.
Rocky Boy's, Montana.	Western Shoshone, Nevada.
Rosebud, South Dakota.	Winnebago, Nebraska.
Sac and Fox, Iowa.	Yakima, Washington.
Sacramento, California.	Yankton, South Dakota.
Salem School, Oregon.	Zuni, New Mexico.

**Suppression of Liquor Traffic.** The evil effect of intoxicating liquor on the Indian has long been recognized, and a series of laws, beginning in 1834, has prohibited the introduction of liquor into the Indian country. These laws, however, were never adequately enforced, especially among the tribes near the border settlements, where many whites built up a lucrative business with the natives. The officers of the Indian Service had long been authorized to seize liquor and to make arrests, but it was not until the fiscal year 1907 that an appropriation was made and a special force organized for this work. For that year an initial appropriation of \$25,000 was made, with the restriction that \$15,000 should be expended in Oklahoma and Indian Territory. A similar appropriation has been made each year, the amount reaching \$150,000 for the fiscal years 1917, 1918, and 1919, since which time it has been reduced as the result of national prohibition.

**Control over Indian Traders.** The Constitution gives specific power to Congress to regulate commerce with the Indian tribes, and the early legislation looked more to control of trading relations

than to the advancement of the Indians, the work of civilization being really the product of the last half century. Several acts passed at various times give the Commissioner authority to license Indian traders and to make regulations regarding "the kind and quantity of goods and the prices" at which they shall be sold. With the increase in white settlers, the licensed traders have decreased in number and importance and only on the large reservations, remote from other settlements, are they of significance to the Indian. The government can control traders only if they are located on land that is unallotted or is held under a trust or restricted patent. On land for which a patent in fee has been issued, any trader may operate under the general license laws of the state. No Indian, whether he holds a trust or fee patent or is unallotted, is required to deal with a licensed trader, but on remote reservations the licensed store is generally the only one available.

The old Indian traders constituted a factor for good and for evil that is difficult to evaluate. Many dispensed whiskey to the Indians in open defiance of law and regulation; others sold fire-arms and ammunition that were used to wage war against the government. On the other hand, they furnished the goods that allowed the Indian to live between trapping seasons and served as commercial intermediaries between them and the outside world, although they often paid little for what they bought and charged outrageous prices for what they sold. Former Commissioner Leupp has sketched the influence of the trader in the following words:

Between the trader's avarice and the Indian's ostentatious free-handedness, it became apparent to Commissioner Jones<sup>28</sup> that a halt must be called. He accordingly fixed a date after which the Indian Office would recognize no bills against Indians handed in by a trader, except for absolute necessities; and ordered that no Indian heir should be permitted to draw more than ten dollars a month from his bank deposit on his own initiative, every expenditure beyond that limit requiring formal approval from Washington. It was the strong antidote needed just at that time; and the fact that we had to modify it some years later for the purpose of putting the Indian more upon his independent good behavior was no reflection on its original salutary influence. . . .

\* \* \* \*

<sup>28</sup> Commissioner from 1897 to 1904.

The excitement over the severely critical attitude assumed by the Indian Office toward the traders who allowed their Indian customers to run up unconscionable debts, has in a great measure died out. Most of the traders concerned admitted, when brought frankly to book, that the custom was a bad one. A few made a long, hard fight, and summoned to their aid every variety of private and political influence; others threatened lawsuits, and were astonished to discover that the Department welcomed any move on their part which would put the righteousness of its course to a judicial test. One of them wrote me a letter, half hostile and half appealing, about the case of an Indian whom he had trusted all through the last preceding winter because the poor fellow's wife was helplessly ill, and, but for this means of getting goods on indefinite credit, she might have died for lack of the goods and medicines prescribed by her physician. His story so worked on my sympathies that I sent for the account to go over it myself. There were several items covering food, medicines, clothes and bedding, it is true; but these were interlarded with dozens of charges for candy and similar trifles, and one for a box of six pocket-knives. I knew at once what that meant—a give away feast of some sort; but I could not forbear asking my correspondent whether the doctor had ordered the invalid to take the knives internally or apply them as poultice.

This is perhaps as good a place as any in which to interject a word or two about the Indian trader, who is by no means universally the black sheep one might suspect from reading of such incidents as I have just related. The trader is usually the only person about an agency who keeps any considerable amount of ready cash in hand, or has close connections with the outside world of business. He not only sells goods, but he is liable to be at various times a banker, pawnbroker, postmaster, tailor, butcher, advertising agent, undertaker, liveryman or hotel-keeper. There are few parts in the drama of reservation life which a trader of the older generation has not been called upon to play, and the stock character in his repertory is that of Everybody's Friend. In the past days when the uppermost thought in the Government's mind was to keep the Indian quiet, the trader was often a mighty power for peace. The wilder tribesman had little conception of his business methods; but they knew that somehow, and from somewhere, he contrived always to be supplied with bacon and flour, beans and canned foods, and that as long as they kept in his good graces they would not be allowed to starve. If the Government paid their annuities by check, they carried their mysterious slips of paper to him and received money or merchandise in exchange. If the women made baskets or mats or bead trinkets, the trader always had calico or flannel to barter for these. If one of the children fell ill, and there

were no physician at hand, the trader would manage to concoct a dose to hold the trouble in control till better advice could be procured.

I knew one trader who made his store more of a practical missionary headquarters than the professional missionary's house was. He stocked his shelves and show-cases with goods which in character and arrangement would have done credit to a similar establishment in a white village. He lived in an ell of the store building, and used to leave the door of his living quarters ajar, so that the Indians could peep in and see what uses he made of his simple appliances of toilet and table. After he had sufficiently piqued them to emulation, he refused to sell them a set of cups and saucers unless they would buy a table to set them on. He kept bright mattresses and comforters for sale, but he would not sell one to an Indian who did not buy also a cot to hold them. Thus by degrees he lifted his customers off the ground and got them into an approach, at least, to decent household habits. Pretty soon he set up a sewing machine; and any squaw who would buy sensible goods for her own clothing and that of her children, he would teach how to use the machine, so that she could come there and make up her dress patterns. The boys who usually make themselves a nuisance around a trader's store he rendered harmless by keeping on his counter a few checker-boards, and showing them how to play games which gave them just as much amusement as their gambling sports. But he was a rare bird.

Most of what the traders did for the Indian could have been done by the Agents, but he knew that an Agent would be more inclined to hold him to a strict account than a trader, and he did not fancy that. Besides, Agents were changed from time to time, whereas a trader might stay on for a whole generation, and Indians have a great preference for what is permanent over what is transitory. Thus grew up their practice of running into a trader's debt as deep as he would let them. The effect of this sort of thing was their own loss of all sense of direct responsibility and all appreciation of relative values. Moreover, when they had learned that they could not only supply themselves on credit with whatever their fancy suggested, but afterward hide behind the Government to avoid paying their bills in spite of having money in bank, they came perilously close to deliberate dishonesty. This was not instinctive with them, but the fruit of the Government's protective policy. Yet what could the guardian do when it saw its wards in process of being stripped of their all?<sup>20</sup>

**Supervision Over Contracts with Tribal Attorneys.** By the act of May 21, 1872 (17 Stat. L., 136), which became parts of Sections

<sup>20</sup> Leupp, *op. cit.*, pp. 186, 188-91.

2103 to 2106 of the Revised Statutes, contracts of attorneys with Indians or Indian tribes relative to money claimed to be due by the United States are prohibited unless approved by the Commissioner of Indian Affairs and the Secretary of the Interior, who thus determine the compensation that may be paid. The act of March 3, 1893 (27 Stat. L., 631), provides that the United States district attorneys shall represent the Indians in all suits at law and equity, but it is manifestly impossible for the district attorneys to represent the Indians in cases where suits are authorized to be brought before the United States courts. In the case of some of the tribes with adequate funds, attorneys are sometimes employed at a yearly salary, but in the case of other tribes, the compensation is usually fixed by the jurisdictional act as a percentage of the amount recovered. It is the duty of the Office of Indian Affairs to see that contracts with attorneys are equitable and that adequate service is rendered.

The necessity for attorneys arises from the fact that often Indians desire to promote legislation or wish to have a special representative to care for their interests before the officers administering Indian affairs. In addition many tribes believe that the government is indebted to them for large sums on account of treaty obligations. In such cases an attorney is employed to obtain legislation allowing the Indians to sue the United States in the Court of Claims and to prosecute the suit when it is authorized. At the present time, a suit by Indian tribes can be instituted only after a special act has been passed authorizing it, although during recent years many persons have urged that a general act be passed permitting suits of this character. Bills have been introduced in several recent Congresses looking to this end, but no general bill has become law.<sup>90</sup>

**Aid to Missions.** The government has never taken a direct part in the establishment or maintenance of missions, although for many years it relied on the mission schools to furnish a large part of the education of Indian children, the history and status of the educational work of mission schools having been already discussed.<sup>91</sup> The Indian Service, however, has always welcomed the

<sup>90</sup> For recent special acts, see page 90.

<sup>91</sup> See page 212.



establishment of missions, and lands have been assigned to them for occupancy under the general discretionary powers vested in the Secretary of the Interior and the Commissioner of Indian Affairs. Section 5 of the general allotment act of 1887 (24 Stat. L., 390) authorizes the Secretary of the Interior to confirm the occupancy of lands by religious societies, and the Indian appropriation act for the fiscal year 1910, approved March 3, 1909 (35 Stat. L., 814), gave the Secretary of the Interior authority to issue a patent in fee to religious organizations for such lands "as have been heretofore set apart and are now being used and occupied by such organizations for school and mission purposes." The provisions of the act of 1910 were repeated in practically the same form in the act of September 21, 1922 (42 Stat. L., 995). There have also been some acts authorizing patents on some reservations or in favor of particular organizations.

The government takes no part in religious instruction, but government buildings are available for religious services by the several denominations and by such nonsectarian organizations as the Young Men's Christian Association. It is one of the diplomatic duties of the local superintendent to preserve the *entente cordial* between the missionaries of different denominations, particularly between Protestants and Catholics, by seeing that similar privileges are enjoyed by all.<sup>62</sup>

<sup>62</sup> A general account of present day missionary activities among the Indians is given in the work entitled "The Red Man in the United States," by G. E. E. Lindquist. This book is devoted primarily to Protestant Missions, although information of a general character is given on Catholic missions. It contains also much material on the social, moral, and economic conditions among the several tribes and reservations. There is no general work on the present activities of Catholic missions, but the history of these missions from 1529 to 1854 is given in the History of Catholic Missions among the Indian tribes of the United States, by John Dawson Gilmary Shea. Chapter XIV of former Commissioner F. E. Leupp's book entitled "The Indian and His Problem" contains an account of some of the administrative problems raised by missionary effort. In 1927 the Board of Indian Commissioners issued a mimeographed bulletin (No. 280), entitled "Christian Missions among the American Indians." This contains a chronological account of missionary activities, a résumé of the field covered by the several denominations, and extracts from reports and recommendations by the missionaries.

## CHAPTER III

### ORGANIZATION

**President and Secretary of the Interior.** While the detailed administration of Indian affairs is under the immediate direction of the Commissioner of Indian Affairs, the law requires in many cases specific action by the President or the Secretary of the Interior, in addition to the general supervisory power exercised by the President over all executive departments and by the Secretary of the Interior over the bureaus under his direction. Among the acts which require positive action by the President may be mentioned the allotment and opening of Indian reservations and the extension of the period for which patents are held in trust. Among those which require positive action by the Secretary of the Interior are the issuance of patents in fee and certificates of competency, the determination of heirs, and the approval of wills. In most cases all the detailed work is done in the Office of Indian Affairs, and the papers are transmitted ready for signature, the action of the Secretary being merely formal. This procedure differs materially from that in the General Land Office, where final action is taken by the Commissioner, with the right of appeal to the Secretary if any party in interest feels that justice has not been done. There are, however, many phases of administration in which the action of the Commissioner of Indian Affairs is final, the Secretary of the Interior having no specific legal right of review, but possessing the general power to modify the action by reason of his administrative control over his subordinate—the Commissioner of Indian Affairs.

**Office of the Commissioner.** The Commissioner of Indian Affairs is the focal point in Indian administration. To him come all communications from the field service or from other sources. These go to the appropriate divisions for consideration and draft of action, after which they again come to the Commissioner for his approval and transmittal to the field, the Secretary of the Interior, or other persons. While all formal action is that of the Commis-

sioner, he is authorized, with the approval of the Secretary of the Interior, to designate an employee to sign letters requiring his signature (35 Stat. L., 783).

The general duties and powers of the Commissioner of Indian Affairs are defined in the Revised Statutes as follows:

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.<sup>1</sup>

The detailed duties of the Commissioner are given in the many acts containing the substantive law relating to Indian Affairs.

No other officer or employee in the Office of Indian Affairs is specifically provided by law, although positions are authorized by the current appropriation acts.

The Assistant Commissioner performs such duties as may be assigned to him by the Commissioner and acts as the head of the Office in the absence of the Commissioner. His duties and powers have never been defined by law, the office having been created in 1886 by virtue of an appropriation for the salary (24 Stat. L., 200). At the present time the Assistant Commissioner disposes of the more important matters which do not go to the Commissioner, including particularly the supervision of legal and legislative matters and the preparation of the budget estimates.

Attached to the Office of the Commissioner is the Attorney for the service, who passes on important legal questions, including the interpretation of treaties and statutes.

**Office of the Chief Clerk.** The Chief Clerk has general administrative control over the Office, acts as Assistant Commissioner during the absence of that officer and has charge of the compilation of statistics. The following units are also immediately under his direction:

Mails and Files Division  
Library  
Stenographic Section

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<sup>1</sup> This is taken from the act of July 9, 1832 (4 Stat. L., 564), as modified by the act of March 3, 1849 (9 Stat. L., 395), creating the Department of the Interior.

*Mails and Files Division.* The Mails and Files Division receives and distributes incoming mail, despatches outgoing mail, and maintains the correspondence files.

*Library.* The Library has charge of the books and exhibits of Indian handicraft, makes requisitions for printing and stationery, and answers special inquiries which deal with the history of the Service and which do not involve administrative action.

*Stenographic Division.* The Stenographic Division consists of a central corps of stenographers, who are assigned to employees in the several divisions as needed.

*Inspection Division.* The Inspection Division, which consists of one employee, has charge of investigations arising from complaints regarding the actions of any officer.

*Administrative Division.* The Administrative Division has charge of matters relating to the general administration of the several agencies and the non-reservation schools, including the operation of schools, the maintenance of law and order, and the promotion of industry and agriculture.

The General Superintendent of Indian Affairs, who is nominally a field officer, has charge of both the field and office work when he is in Washington. There is also a Chief of the Administrative Division, who acts as assistant to the General Superintendent, and has charge of the division when the General Superintendent is in the field.

In the field there is a Supervisor of Home Economics, who supervises health education, institutional living conditions, and instruction in home economics. There are also nine District Superintendents, who report on matters referred to them by the Superintendent. Some of them are also in charge of schools or agencies. The several District Superintendencies and their fields of operation are as follows:

- No. 1. Headquarters: Lawrence, Kansas. Territory: Kansas, Nebraska, Mississippi, North Carolina, and eastern Oklahoma. Units: 6 agencies (12 reservations), 8 day schools, 2 reservation boarding schools, Five Civilized Tribes
- No. 2. Headquarters: Minneapolis, Minnesota. Territory: Michigan, Wisconsin, Minnesota, and Iowa. Units: 14 agencies (24 reservations), 7 day schools, 5 reservation boarding schools, 3 non-reservation boarding schools

- No. 3. Headquarters: Pierre, South Dakota. Territory: South Dakota. Units: 9 agencies (7 reservations), 31 day schools, 3 reservation boarding schools, and 3 nonreservation boarding schools
- No. 4. Headquarters: Browning, Montana. Territory: North Dakota, Montana, and Wyoming. Units: 14 agencies (12 reservations), 10 day schools, 7 reservation boarding schools
- No. 5. Headquarters: Fort Lapwai, Idaho. Territory: Idaho, Washington, and Oregon. Units: 13 agencies (30 reservations), 6 day schools, 4 reservation boarding schools, one nonreservation boarding school
- No. 6. Headquarters: Riverside, California. Territory: California and Nevada. Units: 11 agencies (51 reservations), 16 day schools, 3 reservation boarding schools, 2 nonreservation boarding schools
- No. 7. Headquarters: Flagstaff, Arizona. Territory: Arizona. Units: 17 agencies (15 reservations), 27 day schools, 12 reservation boarding schools, 2 nonreservation boarding schools
- No. 8. Headquarters: Albuquerque, New Mexico. Territory: New Mexico, Colorado, and Utah. Units: 11 agencies (33 reservations), 26 day schools, 8 reservation boarding schools, and 2 nonreservation boarding schools
- No. 9. Headquarters: Anadarko, Oklahoma. Territory: Western Oklahoma. Units: 10 agencies (22 reservations), 1 day school, 8 reservation boarding schools, one nonreservation boarding school

The Administrative Division in the Washington Office is divided into the following sections:

- Employees
- Schools
- Industries
- Construction

*Employees Section.* The Employees Section has charge of all matters relating to personnel in the field. The work includes the appointment, separation, transfer, promotion, and demotion of employees.

*School Section.* The School Section has charge of such matters of school administration as are handled by the Washington Office. These include authority for the opening and closing of schools, the enrollment of students, and the furnishing of necessary equipment.

*Industries Section.* To the Industries Section are assigned all matters relating to the leasing of tribal lands for farming and stock raising, the improvement, up-breeding, and increase of the Indian's livestock, the purchase of livestock, seeds, farming implements, and other equipment; the use and collection of reimbursable funds, the general education of the Indians in improved methods of farming and care of stock, the distribution of tribal and individual funds, including the payment of bonus, royalties, annuities, etc.,

the erection of improved homes ; the issuance of rations to the aged, infirm, and destitute ; Indian employment ; and the construction and repair of reservation roads and bridges.

Under the Industries Section in the field is the Chief Supervisor of Livestock, who exercises general supervision over the field work connected with the handling of stock, and the Supervisor of Indian Employment, whose duty is to develop the field for the employment of Indian labor.

This section has charge of the Indian police, the courts of Indian offenses, and all matters relating to the maintenance of law and order on the reservations and among Indians, the suppression of the traffic in intoxicating liquors, and the issuance of permits for Indian councils and other gatherings. It also directs the efforts being made to have the Indian conform to the usual customs of civilized life as regards marriage, and other matters on which there are no laws applicable in the Indian country.

*Construction Section.* The Construction Section designs and prepares plans, specifications, and estimates for and supervises the erection of agency and school buildings and hospitals, water, heating, and lighting systems (including hydro-electric and steam power plants, pumping stations, central heating plants, septic tanks, reservoirs, dams, and flumes), and bridges ; reviews and checks plans, specifications, and estimates prepared in the field ; reviews and makes recommendations as to award of contract construction work and open market material purchases ; and advises in the selection and purchase of boilers, pumps, motors, and other mechanical equipment. A force of from three to four Field Superintendents of Construction is maintained.

**Medical Division.** The Medical Division of the Washington Office handles administratively the medical and hospital work of the Service, both remedial and preventive. At the head of the medical work and in charge of the Medical Division is a Surgeon detailed from the Public Health Service. In the field the supervisory staff consists of a Supervisor of Field Nurses and Field Matrons and Four District Medical Directors, who have general investigational and advisory duties in connection with all medical, dental, health, and sanitation activities. The work under the several District Medical Directors is as follows :

- No. 1. Headquarters: Minneapolis, Minnesota. Territory: Michigan, Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota  
No. 2. Headquarters: Pendleton, Oregon. Territory: Montana, Idaho, Washington, Oregon, Utah, Wyoming, northern California  
No. 3. Headquarters: Albuquerque, New Mexico. Territory: Arizona, Nevada, New Mexico, Colorado, and southern California  
No. 4. Headquarters: Shawnee, Oklahoma. Territory: Oklahoma, Kansas, Nebraska, Mississippi, and North Carolina

Three of the District Directors are detailed from the staff of the Public Health Service, which also does some inspection work from its branch offices and makes surveys of water supplies through its corps of sanitary engineers.

Special physicians travel throughout each district, performing operations and holding consultations with the local staff; each one is accompanied by a graduate nurse. They also act as advisers to the District Medical Director in professional and administrative matters. Dentists also travel throughout each district, and conduct a general dental practice. The agency, school, and hospital physicians have local posts of duty; the terms "agency," "school," and "hospital" as applied to the medical staff are not mutually exclusive, as the staff at a particular place may conduct the school and agency hospitals and engage in general medical practice at the agency under the direction of the physician in charge. The contract physicians are local practitioners who are employed at places where no service physician is stationed.

**Purchase Division.** The Purchase Division has charge of the procurement and transportation of standard supplies of every character, of special equipment, such as machinery, and of other supplies which cannot be purchased to better advantage in local markets. As the activities of the Indian Service relate to all phases of Indian life from the cradle to the grave, the quantity of supplies purchased is large and the varieties are extensive.

The work of the Division is carried on through two sections—the Supplies Section and the Contracts Section.

*Supplies Section.* The Supplies Section revises the annual estimates for standard supplies submitted by the field officers, compiles consolidated schedules of the quantities required, prepares the advertisements for obtaining bids, makes abstracts of bids received, and recommends the award of contracts. The bids are opened at

the three warehouses where the samples are assembled. In making the recommendation for the award of contracts, assistance is given by members of the Board of Indian Commissioners, this being the purpose for which the Board was created in 1879.

This section also reviews the requests of field officers for authority to purchase supplies, and prepares the formal authorization under which the field officers may proceed. It checks the purchases made by field officers on other than annual contracts in order to see that competition has been obtained, that reasonable prices are paid, that the quantities are not excessive, and that the purchases are authorized by law.

*Contracts Section.* The Contracts Section reviews and records contracts and bonds, arranges for the opening of bids, and provides for the inspection of goods and supplies after they are delivered.

Under the administrative control of this section are the Indian warehouses at Chicago, St. Louis, and San Francisco.<sup>3</sup> The purpose of the warehouses is to permit the purchase and delivery of supplies in quantity and their distribution in smaller lots to the several agencies and schools. Through delivery at the warehouse

<sup>3</sup> The first warehouse established was the one at New York, which was opened in 1870. It was open for only a part of the year until 1879, when it was made permanent, being closed at the end of the fiscal year 1914. The San Francisco warehouse was opened in the early seventies, being used for only a part of the year until 1904, thereafter being in operation throughout the year. The Chicago warehouse was open for a part of the year from 1878 to 1894, when it became a permanent station. The St. Louis warehouse was opened temporarily in 1876 and in 1887, and was made permanent in 1902, being closed during the fiscal years 1905 and 1917. A warehouse at Omaha was opened permanently in 1897, closed during the fiscal year 1905, reopened in 1906, and closed at the end of the fiscal year 1914.

Prior to the fiscal year 1905 there was no legislative limitation on the number of warehouses, but the appropriation act for that year limited the warehouses to those at San Francisco, Chicago, and New York (33 Stat. L., 192). There was no limitation on the number of warehouses for the fiscal year 1906, but for the fiscal year 1907 the warehouses at San Francisco, Chicago, New York, St. Louis, and Omaha were authorized (34 Stat. L., 329). There was no further legislative restriction prior to the appropriation act for the fiscal year 1915, limiting the number to three (38 Stat. L., 585). This act was continued in its entirety for the fiscal year 1916 (38 Stat. L., 1228). For the fiscal year 1917 the number was limited to two (39 Stat. L., 126), while for the fiscal year 1918 and thereafter each appropriation act has limited the number to three. There has been no permanent legislation regarding warehouses, all the legislation being in the nature of limitations on the expenditure of the appropriations.



it is also possible to arrange for better inspection than would be the case if each lot were shipped direct to the consuming unit. Not all the goods contracted for are delivered to the warehouse, because if a large quantity is shipped to one point at the same time, the inspection is made at the factory or dealer's storeroom and the goods are shipped direct to the field unit.

During the fiscal year 1926 the cost of operating the warehouses was as follows:

Salaries and wages .....	\$51,296.34
Travel .....	1,496.35
Telegraph and telephone .....	370.29
Heat, light, and power .....	294.85
Equipment and materials .....	1,496.35
Rent .....	5,826.79
Repairs and alterations .....	1,040.00
Miscellaneous .....	953.06
Total .....	\$62,774.03

The goods ordered through the warehouses amounted to 47,136 short tons, but it is likely that this quantity did not pass through the warehouses, as bulk shipments, particularly coal, are sent direct. The coal purchases approximate 30,000 short tons.

**Probate Division.** The Probate Division has charge of all activities under the first section of the act of June 25, 1910 (36 Stat. L., 855), which authorizes the Secretary of the Interior to determine the heirs of deceased allottees. Evidence is taken in the field by ten Examiners of Inheritance working under the direction of this Division, which afterwards reviews the cases and prepares them for action by the Secretary of the Interior.

The field districts for conduct of probate investigations are as follows:

- No. 1. Agencies: Kiowa, Seger, Cantonment, Cheyenne and Arapaho, Ponca, Quapaw, Shawnee, Pawnee, Oklahoma; Potawatomi, Kansas
- No. 2. Agencies: Klamath, Siletz, Warm Springs, Umatilla, Oregon; Taholah, Tulalip, Neah Bay, Yakima, Washington
- No. 3. Agencies: Crow, Fort Peck, Blackfeet, Tongue River, Fort Belknap, Montana; Fort Lapwai, Fort Hall, Cœur d'Alene, Idaho; Shoshone, Wyoming; Colville, Washington
- No. 4. Agencies: Lac du Flambeau, La Pointe, Tomah, Laona, Grand Rapids, Hayward, Wisconsin; Mount Pleasant, Mackinac, Michigan; Cheyenne River, Crow Creek, South Dakota

- No. 5. Agencies: Rosebud, Pine Ridge, South Dakota  
No. 6. Agencies: Leech Lake, White Earth, Cass Lake, Fond du Lac, Vermillion Lake, Grand Portage, Net Lake, Red Lake, Minnesota; Keshena, Wisconsin  
No. 7. Agencies: Sacramento, Hoopa Valley, California; Walker River, Nevada; Goshute, Utah  
No. 8. Agencies: Salt River, Colorado River, Pima, Sells, Fort Yuma, Arizona; Mission, California; Pueblo Bonito, Mescalero, New Mexico  
No. 9. Agencies: Fort Berthold, Turtle Mountain, Fort Totten, Standing Rock, North Dakota; Sisseton, Yankton, South Dakota; Sac and Fox Sanatorium, Iowa; Winnebago, Nebraska  
No. 10. Agency: Jicarilla, New Mexico

Probate matters connected with the estates of minors in the Five Civilized Tribes are under the direction of the Probate Attorneys, who report through the Five Tribes Section of the Land Division.

**Finance Division.** The Finance Division has charge of all matters relating to appropriations and the expenditure of government and Indian money. It prescribes and supervises the accounting system used in the field and gives directions regarding the method of depositing and keeping account of the money of individual Indians. It is divided into the Bookkeeping Section and the Accounts Section. There are also three traveling auditors in the field.

*Bookkeeping Section.* The Bookkeeping Section has charge of the ledger accounts of all appropriations and allotments and keeps a record of all financial transactions with the disbursing officers in the field, which includes a monthly examination of disbursing officers' trial balances. It also notes allotments of funds made to disbursing officers and prepares and analyzes all expenditures for reports to Congress.

*Accounts Section.* The Accounts Section makes the administrative examination of the accounts of disbursing officers, and also passes on claims submitted for payment.

**Land Division.** The Land Division has charge of all matters relating to the real estate belonging to the Indians, its work being done through the following sections:

- Allotments
- Sales
- Contract
- Oil and Gas
- Five Tribes
- Records

*Allotments Section.* The Allotments Section has direction of all work relating to allotment in severalty on reservations and on the public domain. It directs the classification and appraisalment of Indian lands, the conduct of litigation affecting title to tribal and allotted lands, the preparation of legislation affecting the landed interests of the Indians, and the purchase of land for homeless Indians for whom no reservations have been provided.

Under the Allotment Section are two Special Allotting Agents, who move from reservation to reservation and allot the land in severalty under the provisions of the general allotments act of 1887, as amended, or under special acts relating to particular reservations. Where the special allotting agents do not operate, the allotment of land is carried on by the officers in charge of the reservation, who acts under the direction of the Section.

*Sales Section.* The Sales Section has direction of the sales of Indian land and the issuance of patents in fee and certificates of competency, the partition of estates, matters connected with the taxation of Indian lands, and the preparation of cases for the Department of Justice in connection with litigation affecting the lands of Indians.

*Contracts Section.* The Contracts Section has charge of matters relating to contracts with attorneys, bonded depositories for individual Indian money, enrollment, rights of way, and leasing, except for oil and gas.

*Oil and Gas Section.* The Oil and Gas Section directs the work in the field having to do with the leasing of Indian lands for oil and gas. The greater part of this work is in connection with the lands of the Five Civilized Tribes and the Osages, although there are small oil and gas developments in other areas.

*Five Tribes Section.* The Five Tribes Section has charge of all matters relating to the affairs of the Five Civilized Tribes except the leasing of lands for oil and gas, which is supervised by the Oil and Gas Section. The work includes the disposition of surplus lands, the managing of the affairs of the restricted Indians, and the probate of wills of restricted Indians.

In the field all matters except the work of the probate attorneys is handled through the Office of the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma. The work of the Superintendent of the Five Civilized Tribes is concerned almost entirely

with the property of the Indians, there being no detailed social, medical, and educational work as at other agencies.

Two school hospitals at boarding schools and one sanitarium are maintained. Five boarding schools are operated, and children are also sent to seven institutions under contract. The greater part of the children are educated in the public schools of Oklahoma, the Indian Service not operating any day schools.

The greater part of the work in connection with the affairs of the Five Civilized Tribes is carried on at Muskogee. In general, immediate contact with the allottees is effected through the eleven Field Clerks, who have headquarters at Pryor, Tulsa, Okmulgee, Muskogee, Stillwell, McAlester, Holdenville, Ardmore, Durant, Idabel, and Hugo. The territory covered by the field clerks comprises forty counties, the area of the field clerk districts ranging from 588 to 1530 square miles, and the number of restricted allottees in each district ranging from 588 to 1530.

The probate attorneys are in charge of a Supervising Probate Attorney at Muskogee; there are two other probate attorneys at Muskogee, and one at Holdenville, Ardmore, Hugo, Chickasha, Vinita, and Durant. The work of these attorneys covers the forty counties included in the Five Tribes country. The probate attorneys coöperate with the Superintendent of the Five Civilized Tribes, but in matters involving questions of principle and policy they are under the immediate supervision of the Commissioner, exercised through the Five Tribes Section.

*Records Section.* The Records Section has charge of all the records relating to title to Indian land.

**Irrigation Division.** The Irrigation Division has charge of the administrative work in Washington in connection with the construction and maintenance of irrigation systems and structures, the sinking and operation of wells for supply of water for domestic purposes and for stock, and the supervision of such drainage matters as affect the Indians.

The work in the field is under the Irrigation Engineer and an Assistant Irrigation Engineer, who at present is in charge of the construction work at the Coolidge Dam on the San Carlos Reservation, Arizona. The detailed work is carried on through five

irrigation districts, each in the charge of a Supervising Engineer, the headquarters and territory of each district being as follows:

- No. 1. Headquarters: Yakima, Washington. Territory: Washington, Oregon, and northern Idaho. Two projects under project engineers; remaining minor projects directly under Supervising Engineer
- No. 2. Headquarters: Blackfoot, Idaho. Territory: Nevada, Utah and southern Idaho. Three projects under project engineers; remaining minor projects directly under Supervising Engineer
- No. 3. Headquarters: Billings, Montana. Territory: Montana, Wyoming, and South Dakota. Four projects under project engineers; remaining minor projects directly under Supervising Engineer
- No. 4. Headquarters: Los Angeles, California. Territory: California and southern Arizona. Three projects under project engineers; remaining minor projects under a traveling engineer
- No. 5. Headquarters: Albuquerque, New Mexico. Territory: Colorado, New Mexico and northern Arizona. One project under a project engineer; remaining minor project directly under Supervising Engineer

On each project where any considerable amount of construction work is carried on there is a project engineer immediately in charge, with a force of engineers, rodman, mechanics, laborers, etc., such as is usually employed on such work. Many minor projects are under the immediate supervision of the District Supervising Engineer, who visits them from time to time. On these the work is of a comparatively simple character, such as the building of laterals or the construction and repair of headgates and minor structures that do not involve expert engineering experience. In some places such work is under a foreman who reports directly to the Supervising Engineer, and at other points it is under the superintendent in charge of the reservation, who receives detailed instructions from the Supervising Engineer. The operation of irrigation systems after their completion is generally under the direction of the officer in charge of the reservation, as this work does not involve the application of engineering principles.

**Forestry Division.** The administrative work in Washington in connection with forestry is done in the Forestry Division. The field work is under the direction of the Chief Supervisor of Forests, who has his headquarters in Washington during a part of the year. Other general field officers under the Chief Supervisor are the following: Forest Valuation Engineer, who acts as general assistant to the Chief Supervisor and has special duties in connection

with forest valuation studies; two Supervisors of Forests, who exercise supervision over the more important forestry activities carried on at the several agencies; and a lumberman, who pays particular attention to difficult problems of timber utilization. The field is not divided into districts, but the control of forestry activities is divided from time to time between the two supervisors.

The detailed work in the field is carried on by special groups attached to each agency, who report to the officer in charge of the reservation, who in turn receives instructions from the Chief Supervisor of Forests.

**Agencies.** All of the units at Washington described above have to do with general administration, supervision, or the formulation of policies. All the other detailed functional work of the Service, with the exception of the operation of non-reservation schools and of hospitals not attached to agencies, the work of examiners of inheritance, of probate attorneys, and of special allotting agents, the construction of irrigation works, the suppression of the liquor traffic, and supervision of Indian employment, is carried on through the agencies, which are located in all the states west of the Mississippi River, except in Missouri, Arkansas, and Texas, and are also found in Florida, Michigan, Mississippi, New York, North Carolina, and Wisconsin.<sup>\*</sup> It is true that the final determination of many matters must be made by the Commissioner of Indian Affairs or the Secretary of the Interior, but it is the Superintendents who have immediate contact with the Indians and make the primary recommendations affecting the affairs of the individuals or the tribes in their jurisdiction.

Up to 1893 the officers having immediate control of the Indians were known as "agents" and the units as "agencies." Owing to the disrepute into which the agents had fallen as a result of many scandals and in order to remove these offices from the field of politics, the duties of the agents were gradually placed on the superintendents of the schools. Section 4 of the act of June 30, 1834 (4 Stat. L., 736), which became Section 2062 of the Revised Statutes, allowed the President to require any army officer to perform the duties of Indian agent. When Grant proposed to avail himself of this power to a greater extent than previously, he was

<sup>\*</sup> The agencies are listed in Appendix 2.

blocked by Section 18 of the act of July 15, 1870 (16 Stat. L., 319), which became Section 1222 of the Revised Statutes, providing that any officer accepting a civil position should vacate his commission.<sup>4</sup> There was no further legislation until the act of July 13, 1892 (27 Stat. L., 120), which allowed the President to detail army officers to act as agents in case of vacancies. It seems that this gave the President ample authority, as he could create a vacancy by the removal of the occupant, but there must have been some doubt on this point, as in 1898, he was given unqualified authority to detail army officers as agents (30 Stat. L., 573). The advantage of the use of army officers has been well summarized by former Commissioner Leupp:

Often in former years an officer of the regular army would be detailed by the President to take charge of a reservation as Acting Agent. He was not required to give bond like a civilian Agent or Superintendent, his commission being accepted by the Government as its insurance against his misconduct; neither did he receive the Agent's salary. As a relief from a certain class of political Agents who used to be the curse of the Service, a military officer was a godsend; but his best influence upon the Indians themselves was found among tribes still in a very backward state. There his independence, his promptness to shoulder responsibility, his exercise of arbitrary power in any emergency which called for such a demonstration, made a strong impression on the wayward spirits whose only conception of authority was the ability to strike effectively and without delay, and to compel good order by force when admonition had ceased to avail; but after any body of Indians had developed beyond this point, their subjection to military rules was usually a mistake, in view of the necessity of inducting them soon into a civil or non-military status. For the strictness of discipline which was part of the officer's training made his civilian successor's practices seem lax and indifferent by comparison; while his habitual pity for the hungry was liable to extend to deserving and undeserving alike, and thus distort the Indians' premises of judgment on the eve of the crucial change of condition which awaited them. There were, of course, notable instances of officers who appreciated the importance of a golden mean; but these were philosophers along with their other accomplishments, and had made a study of the subtle springs of human action as a basis for their treatment of any eccentricities of conduct on the part of the Indians in their charge.<sup>5</sup>

<sup>4</sup> See page 55 for discussion of this legislation and its results.

<sup>5</sup> Leupp, *The Indian and his problem*, p. 105.

By the act of March 3, 1893 (27 Stat. L., 614), the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, was authorized to devolve the duties of agent upon the superintendent of the school located at the agency.\* As the law required Indian agents to be appointed by the President, by and with the advice and consent of the Senate, and as the school superintendents were under the classified civil service, this legislation paved the way for the removal of the field service from the domain of politics. Gradually almost all the agents were supplanted by superintendents of schools. During recent years the closing of government schools on many reservations left some of the superintendents of schools without any schools under them, and the use of the term "school" for the unit of field administration has been somewhat of a misnomer. The Office of Indian Affairs has revived the term "agency" for units which have functions other than education, although the *officers in charge continue to be known as "superintendents."*

The determination of the territory to be assigned to each agency was placed in the Secretary of War by provisions of the act of June 30, 1834 (4 Stat. L., 736), which were repeated in the act of March 3, 1847 (9 Stat. L., 203), which became Section 2066 of the Revised Statutes, the Secretary of the Interior having acquired the powers of the Secretary of War under the act of March 3, 1849, creating the Interior Department (9 Stat. L., 395). At present some of the smaller reservations may be grouped under one agency, but a large reservation is generally coextensive with the jurisdiction of the agency, although the agency may also have control over Indians on the public domain adjacent to it. In a few instances reservations are divided between several agencies.

Legally there are three classes of Indian reservations, according to their method of creation.

1. Treaty reservations, set aside by treaty between the United States and the Indians. Most of these have been changed to statutory reservations
2. Statutory reservations, created by specific act of Congress
3. Executive order reservations, created on public lands by order of the President<sup>†</sup>

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\* Although this was permanent law, it was carried in each appropriation act up to and including that of March 1, 1907 (34 Stat. L., 288). The act of 1907 is the one generally cited.

<sup>†</sup> For a memorandum regarding the power of the President to create Executive order reservations, see Kappler, Vol. 3, pp. 692-95.



There is no essential difference in the administration of the three classes of reservations.

There is widespread misconception of the present significance of a reservation, as the picture of the reservation life of the early eighties still persists in the public mind. Then the reservations were large areas, mostly inhabited by semi-hostile roving Indians, and occupied at strategic points by troops. The Indian could not leave, nor could the white man enter except by permission of the officer in charge.

To-day the reservation is simply a tract of land which has been assigned to the Indians, either in severalty or as tribes, and which is dotted in many places with the homes of white settlers. At certain points on the reservations will be found the office of the superintendent, the schools, and the other governmental agencies provided for the advancement of the Indian. The white man passes freely into the reservation and may ignore the officers of the Indian Service if he so chooses, although the Commissioner of Indian Affairs still has power to remove any person who may be present without authority of law or who may "be detrimental to the peace and welfare of the Indians" (June 12, 1858, 11 Stat. L., 332; Rev. Stat., 2149). The Indian, also, is free to come and go as he will, his wanderings, like those of the whites, being limited largely by the contents of his purse. While the Indian is a free agent, the superintendents try to discourage absence at times when injury to crops might result.\*

Only a few reservations consist of a tract around which a line might be run to determine the limits of the area over which the superintendent has control. If one were to take the treaties, laws, or executive orders establishing the reservations, he could plot such a tract, but within the lines so run would be lands over which the government has no control by reason of patents in fee having been granted to individual Indians, or by reason of the surplus land being opened to settlement under the homestead laws. The area

\* Some time ago it was reported that a superintendent in North Dakota was requiring Indians to obtain passes before they left the reservation. These particular Indians had relatives across the line in Canada, and inquiry developed the fact that when they desired to cross the border the superintendent issued the so-called pass, which was an identification slip to enable the Indian to avoid any difficulty with the immigration authorities.

that is under the control of the superintendent consists of the unallotted land, plus the land allotted under trust and restricted patents; the Indians under supervision are those unallotted and those holding trust and restricted patents.

The map of the Fort Peck Reservation (facing page 290) shows typical conditions as regards ownership and jurisdiction. This reservation comprised 2,094,144 acres or 3272 square miles, an area about two-thirds that of the State of Connecticut and about the same shape. The area allotted to Indians in 1913 is shown in black on the map facing page 290, the greater part of the remaining area being thrown open to settlement. Later additional allotments were made to the Indians, so that in June, 1927, the land within the limits of the former reservation was divided as follows:

	Acres
Allotted under trust patents.....	1,034,732.66
Allotted under fee patents.....	238,227.34
Entered under the general land laws..	658,064.00
Surplus lands .....	163,120.00
Total .....	2,094,144.00

The trust patent and surplus lands, or 1,197,852.66 acres, remain under the control of the Indian Service and are subject in certain particulars to the jurisdiction of the United States only.\* The fee patent and entered lands, or 896,291.34 acres, are subject to the jurisdiction of the state, except as regards such matters as are under the jurisdiction of the United States elsewhere.

The interest of white settlers on the reservation is greater than is indicated by the figures of ownership. White settlers had leased 375,678 acres, or 36 per cent, of the 1,034,732 acres allotted in trust and 80,239 acres, or 49 per cent, of the surplus land.

Of the trust patent land only 4268 acres, or less than four-tenths of one per cent, was farmed by Indians, and 654,785 acres, or 64 per cent, was not utilized.

While the map shows the distribution of the land holdings, most of the Indians live immediately adjacent to the southern border of the reservation.

Theoretically the work of the Indian Service ceased with respect to the Indians who owned the 238,227 acres allotted in fee; practically many of these Indians acquired other land in trust through

\* See page 256.

inheritance, so that the number under the direction of the Indian Service was probably not materially reduced.

The conditions described above are not necessarily the same at all agencies; at some the white interest may be more, at others less.

The local superintendent is responsible for carrying on all the activities discussed in Chapter II with the exception of the construction of irrigation works, the survey of forests and the professional side of the medical work. It is true that perhaps all these activities are not prosecuted on every reservation, but most of them are found under the greater number of agencies. The superintendent must make allotments in severalty if no special allotting agent is provided, recommend whether a patent in fee or a certificate of competency should be issued, supervise the sale and leasing of allotted lands, provide for the leasing of tribal lands, collect the proceeds of sales and leases, act as custodian for the money of minors and incompetents and pay it out to them in proper amounts, act as superintendent of government schools, arrange for education of Indian children in the public schools, promote the industrial advancement of the Indians by practical advice in farming and stock raising, pass on loans to Indians and see that the money is repaid, afford medical relief, promote hygiene and sanitation, maintain law and order, feed hungry deserving Indians but not reduce them to pauperism, and act as guide, philosopher, and friend to all the individuals under his control. Former Commissioner Leupp in 1910 described the life of a superintendent as follows:

. . . As I once described the life of an Agent, in a report of an investigation I had been conducting on a South-western reservation, he had "sat in a swivel chair for four consecutive years, practically every day from eight in the morning till five in the evening, hearing complaints, issuing orders, writing letters, opening bids, signing leases, supervising accounts, drawing checks, settling domestic disputes, exercising the functions of a guardian for orphan children, unravelling the intricacies of heirship in families where nobody knows certainly his blood relationship to anybody else, adjusting debts and credits between individual Indians, preparing cases for the prosecution of dramsellers or the ejection of intruders, and devising forms for legal instruments which will save some remnant for the Indian after the white man gets through stripping him. In all these four years he has had less than twenty days' vacation. His immediate recreations have been an occasional visit to an outlying

pay-station; an appearance in court as witness against some one who is trying to rob the poor people in his care; or a personal inspection of an Indian's property at a distance, when a white contractor or a railroad company wants to make a doubtful use of it." If I were to attempt an enumeration of the duties of a latter-day Superintendent, I should have to deduct a few items from the foregoing list, and add a few by way of recognizing changed conditions; but in the main the description as it stands will suffice for the activities of a class.<sup>20</sup>

In minor matters the decision of the superintendent is final, but on many subjects he is limited to making recommendation to the Commissioner, resulting in much correspondence. General H. L. Scott in 1919 made the following comments on the paper work on several reservations:

. . . The volume of paper work [at the Blackfeet Agency] is enormous and should be reduced. This office sent out 15,106 communications last year and received 10,350, of which 7,230 were received from and 5,450 were sent to the Indian Office. The time and labor consumed by this correspondence is overwhelming. This with the returns of property and money rolls, payments of individual Indians, keeps a superintendent tied down to his desk to the great detriment of his supervision of the Indian. In addition to the reduction of the paper work there should be a bonded disbursing officer to relieve the superintendent of this time-consuming labor and permit him to go about the reservation where his services are most needed.<sup>21</sup>

\* \* \* \*

During the last fiscal year [at the Crow Agency] 1,200 official letters were written to the Washington office and 965 were received from the Washington office. A total of 31,200 communications were sent from this office for the last fiscal year. This amount of correspondence seems paralyzing. It would appear that some system should be devised to carry on business with less labor and effort. The superintendent is away in Washington for an absence of from two weeks to a month. The system does not permit anyone here to sign checks in his absence. This results in much dissatisfaction among the Indians. Frequently an Indian comes in from 40 or 50 miles away to get money and is obliged to go home without the money or supplies he hoped to take back because there is no one

<sup>20</sup> F. E. Leupp, *op. cit.*, p. 104.

<sup>21</sup> Board of Indian Commissioners, Annual Report, 1920, p. 22. The act of February 14, 1920 (41 Stat. L., 413), authorizes the designation of clerks as disbursing officers.

here to sign the check. There is a possibility of this occurring on his next trip. The amount of office work that accumulates during the superintendent's absence often requires a long period of confinement to the office in order to catch up with his current work. It is said that he is sometimes several days signing checks and other papers. The system seems to make the care of his property above the human interest of the Indian and it is recommended that the amount of paper work be materially reduced and that a disbursing officer be appointed who can sign checks at all times and enable the superintendent to give more time going about among the Indians and attending to matters more vital even than the care of money.<sup>12</sup>

Upon the qualities of the superintendent and his subordinates depends the success of Indian administration. In a service dealing with both property rights and human nature, where the interest of the white clashes with that of the Indian and the interest of one Indian is opposed to that of another, and where the beneficiary is immature in mind and experience and does not understand the machinery that has been set up for his protection, success demands that in addition to integrity there be vision, firmness, fairness, resourcefulness, patience, tact, common sense, business acumen, and ability to judge men, white, red, and mixed, each class being approached along different lines. It need hardly be said that the results vary according to the qualities of the man in charge.<sup>13</sup>

The organization provided for running an agency varies according to the activities on each reservation. The description below is for a composite agency, and does not apply in detail to any one reservation. The classes of work may be divided as follows :

General Administration  
Education  
Health  
Land  
Industries  
Irrigation  
Forestry

The general administration is under the direction of a chief clerk, who has charge of the maintenance of the physical plant, the clerical and accounting force, the interpreters, and the Indian police.

<sup>12</sup> *Ibid.*, p. 29.

<sup>13</sup> Recent reports of the Board of Indian Commissioners contain interesting critical accounts of conditions on many reservations.

If there are reservation boarding schools, there is, a principal for each, with the usual corps of teachers and other employees. If there is a number of day schools, there will be one or more day school inspectors, but if there are only one or two day schools, the superintendent himself may make the inspection and exercise detailed supervision. The day school is generally operated by a man and wife, the man giving the general instruction, and the woman furnishing lunch for the children and giving such elementary lessons in sewing and housekeeping as are required for small children. The Indian police generally act as truant officers for all classes of schools.

The agency physician is in charge of all activities relating to health and sanitation, reporting directly to the superintendent. At some places the hospital is a portion of the school building, and while the physician is in sole charge of the strictly medical service, the cooking and housekeeping may be done by the force of the school. The physician also has charge of the work of the field matron and field nurses.

The allotting of land is generally done by special allotting agents, but occasionally the allotments are made by the superintendent or an employee working under his immediate direction. The superintendent likewise has immediate charge of all negotiations for the sale or leasing of lands, the determination of the competency of Indians, and the payment of money to individual restricted Indians.

The industrial advancement of the Indians is under the direction of the farmer or stockman, the farmer also generally having charge of the operation of the irrigation system, if there is one. Minor construction work and repairs of irrigation structures may be made under the direction of the superintendent, but irrigation construction of any importance is under the Supervising Irrigation Engineer.

The forestry work is under a forest examiner who reports nominally to the superintendent, but who is really under the direction of the Chief Supervisor of Forests, who transmits orders through the superintendent. In general both the forestry work and the construction of irrigation structures are so specialized, both in character and locality, that they do not present reservation problems. However, where these activities do conflict with other work it is necessary for the superintendent to determine the question at issue or to refer the matter to the Commissioner.



The Office of the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, differs materially in size, volume of business, and functions from any other field unit. Soon after the Five Tribes were removed to Indian Territory in the middle of the last century the Union Agency at Muskogee was established to transact the business of the government with these Indians. The functions of this agency were different from those of the others, as the Five Tribes were self-governing units, with legislatures, courts, schools, and other government machinery. In 1893 a commission of three was appointed to negotiate with the tribes for the extinguishment of the Indian title (27 Stat. L., 645), the membership being increased to five in 1895 (28 Stat. L., 939). In 1896 this commission was given power to prepare a final roll of all members of the tribe (29 Stat. L., 339). Under subsequent agreements with the several tribes, allotments were made to individuals, the remaining tribal property was to be sold or held in trust for the benefit of the tribe, the tribal governments abolished, and provision was made for taking over the schools by the United States.<sup>44</sup> This commission, on behalf of the United States, had all the powers and duties enumerated in these and later amendatory acts until 1905, when all its powers were conferred on the Secretary of the Interior (33 Stat. L., 1060), who appointed a single commissioner to the Five Civilized Tribes to carry on the work. There was no specific authority of law for this office, but it was created under the general powers conferred on the Secretary; later the Commissioner to the Five Civilized Tribes was recognized in a number of acts. In the meantime the Union Agency had continued, the superintendent being the fiscal officer and the Commissioner looking after allotments and other administrative matters. By the act of August 1, 1914 (38 Stat. L., 598), the superintendent of the agency and the Commissioner were legislated out of office, and provision was made for a Superintendent for the Five Civilized Tribes, to be appointed by the President, by and with the advice and consent of the Senate.

<sup>44</sup> The agreements with the several tribes are contained in the following acts: Choctaw and Chickasaw, June 28, 1898 (30 Stat. L., 505-513), and July 1, 1902 (32 Stat. L., 641); Seminoles, June 2, 1900 (31 Stat. L., 250); Creeks, June 28, 1898 (30 Stat. L., 514), and March 1, 1901 (31 Stat. L., 861); Cherokees, July 1, 1902 (32 Stat. L., 716).



The Superintendent of the Five Civilized Tribes is also the custodian of all the tribal records of these Indians.

**Special Attorney for the Pueblos.** The Special Attorney for the Pueblos has charge of the negotiations and litigation pertaining to the land titles of the Pueblo Indians.

**Special Commissioner to Negotiate with the Indians.** This officer has general advisory duties in connection with the affairs of the Navajoes and Pueblos.

**The Board of Indian Commissioners.** The Board of Indian Commissioners has no power to direct action in matters connected with Indian affairs, its duties being purely advisory. The Commissioner of Indian Affairs is required by law to consult with the Board in the purchase of supplies (22 Stat. L., 70), and one or more members of the Board generally are present when bids for supplies are opened, and take part in the recommendation for the award of contracts. The Board is empowered by law to "visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased" (22 Stat. L., 70), and "to investigate all contracts, expenditures, and accounts in connection with the Indian Service" (Rev. Stat., 2042, 17 Stat. L., 186).

During recent years the Board has been more active than formerly in the inspection of field units, the work being divided among its members. In its annual reports to the Secretary of the Interior the Board makes recommendations on the broad problems of Indian administration and also publishes the inspection reports on its individual members. These reports on the several reservations give many side lights on problems of administration that are not available elsewhere.

The Board consists of ten members who are appointed by the President and who receive no compensation. It is authorized to employ a secretary, who need not be a member of the board (37 Stat. L., 521), but at present a member of the Board fills this position. For the fiscal year 1928 the Board had an appropriation of \$11,000 to pay the salaries of its secretary and office employees and the traveling expenses of its members.

## CHAPTER IV

### PERSONNEL

On June 30, 1926, the employees in the entire service numbered 5002, classified by the Office of Indian Affairs as follows:

	Number	Total salary
Schools .....	2,557	\$2,915,820
Agency .....	1,884	2,190,208
Miscellaneous field .....	371	722,485
Washington Office .....	190	369,800
Total .....	5,002	6,198,313

**Appointment.** The Commissioner of Indian Affairs, the Assistant Commissioner, and the Superintendent of the Five Civilized Tribes are appointed by the President by and with the advice and consent of the Senate. All other employees are appointed by the Secretary of the Interior after certification by the Civil Service Commission, except the following, who may be appointed without examination:

Private Secretary to the Commissioner

Attorneys

Indians employed in the Service at large, except those employed as superintendents, teachers, manual training teachers, kindergartners, physicians, matrons, clerks, seamstresses, farmers, and industrial teachers  
Special commissioners to negotiate with Indians, as the necessity for their employment may arise

One financial clerk at each agency to act as superintendent during the absence or disability of the superintendent

Contract physicians receiving not more than \$1000 per annum, who may lawfully perform their official duties in connection with their private practice, such employment, however, to be subjected to the approval of the Civil Service Commission

Superintendents of livestock, stockmen, stock detectives, and line riders

Special officers to assist in the suppression of the liquor traffic

Superintendent of the Insane Asylum, Canton, South Dakota

Special agent for the Chippewa Indians of Lake Superior

One Indian Trade Supervisor<sup>1</sup>

Clerk to sign under the direction of the Secretary in his name and for him, his approval of all tribal deeds

All employees of the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin

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<sup>1</sup> Obsolete.

Any person receiving compensation aggregating not more than \$480 per annum whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals, provided that employment under this provision shall not be for job work as contemplated in Section 4 of Rule VIII of the Civil Service regulations

Mechanics and skilled tradesmen or laborers employed upon construction or repair work in the field services, under such restrictive conditions that, in the opinion of the Civil Service Commission, they cannot, as a class, be appointed from registers of eligibles

Cooks, when in the opinion of the Civil Service Commission it is not expedient to make appointment upon competitive examination

The following positions may be filled without competitive examination:

- Superintendent, teacher, manual-training teacher, kindergartner, physician, matron, clerk, seamstress, farmer, and industrial teacher in the Indian Service at large when filled by Indians
- Junior clerk, messenger, assistant messenger, and messenger boy in the Office of Indian Affairs when filled by Indians
- Any competitive position at an Indian school when filled by the wife of a competitive employee at that school
- Six inspectors to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Civil Service Commission may prescribe after consultation with the Commissioner of Indian Affairs
- One Superintendent of Irrigation in the Indian Service, who shall be competent to pass upon water rights
- Disciplinarian in the Indian schools, subject to such evidence of qualifications as the Civil Service Commission may prescribe after consultation with the Commissioner of Indian Affairs

**Compensation.** All salaries are fixed in accordance with the Classification Act of March 4, 1923 (42 Stat. L., 1488).<sup>2</sup>

<sup>2</sup>The Classification Act of 1923 (42 Stat. L., 1488) is a general one governing all positions, except those in a recognized trade or craft, in all the departments and establishments in Washington. It is designed to classify positions and fix their compensation on the basis of the duties and responsibilities of those positions and the qualifications required for their performance. As a salary fixing act, it applies only to positions in the departments, independent establishments, and municipal offices in the District of Columbia, and even some of those positions are excluded from its operation. Section 13 consists of a compensation schedule in which Congress establishes the standard rates of compensation to be paid for each grade of work in each of the different broad kinds of work such as the professional and scientific service, the subprofessional service, the clerical, administrative and fiscal service, the custodial service, and the clerical-mechanical service. In the installation of the Classification Act, the heads of the several departments allocated the positions in their departments to this salary schedule in a manner prescribed by the Personnel Classification Board, which reviewed and revised these allocations. The exact salary of each position

**Employment of Indians.** The act of May 17, 1882 (22 Stat. L., 88), provided that: "preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies." Later, in 1894 (28 Stat. L., 313) the following was embodied in the appropriation act:

That in the Indian service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision.

As a rule the Indians occupy minor positions, the reasons for this being stated by former Commissioner Leupp as follows:

The question is often asked, why more Indians are not employed in the Indian Service, which at a first glance seems as if it were the place above all others adapted to them. The answer is that a great many are so employed, and that the policy of all the administrations since Commissioner Morgan took office has been to give educated Indians every practicable chance to serve their people; but that the experiment of putting them into the places of highest responsibility has, except in rare instances, not worked so successfully as had been hoped. Their ideas of discipline, as applied either to themselves or to others under them, are not ours. It must be borne in mind that the Indian is passing through a critical era in his evolution. Lifted suddenly out of the darkness of barbarism into the

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within the service and grade to which it was finally allocated was then determined in accordance with the rules contained in Section 6 of the act. New positions, and old positions the duties of which are changed, are allocated to services and grades under the act by department heads subject to review and revision by the Personnel Classification Board. The compensation of the position must be at one of the rates prescribed by Congress for the service and grade to which the position is allocated. Advancement from rate to rate within the grade is dependent on efficiency and is controlled through the efficiency rating system and the provisions of the appropriation acts.

The act of December 6, 1924 (43 Stat. L., 704), extended to the field services the rates established by the Classification Act of 1923 for positions in the departmental service, and provided that the rates established under the Classification Act should be in effect during the fiscal year 1925 notwithstanding specific rates of compensation or salary restrictions carried in any other act. A similar general provision of one year only has been carried in one of the appropriation acts for the fiscal years 1926, 1927, and 1928.

light of our civilization, it is not wonderful that he is somewhat bewildered by the change, and has more or less trouble in adjusting his mental vision to it. If a young tribesman is called upon as a cashier to handle large sums of money, or as a clerk to take care of a storehouse full of property, with only such theoretical training as he has acquired from the study of school text-books, can we blame him if his accounts become badly confused at the start? Or is it to stand against an Indian girl that, reared in the lax life of the camps and learning only as an alien our code of social proprieties; she makes an occasional misstep before she fairly gets her new bearings?

Again, the traditional freedom of the Indians from those forms of artificial obligation which are second nature to people of our Caucasian heritage, makes them impatient of the restraints of office when continued for any great length of time. They get tired and are liable for no other cause to throw up their positions and go home for an interval of leisure. It is, in fact, the only serious objection a private employer has ever raised against Indian help, that they cannot be depended on to stick to one job for a long term, as white persons will. If such whimsical changefulness is inconvenient in private business, it may be positively ruinous in public employ in the Indian West, where the Government stations are far apart, and usually so remote from centres of population that other help is not to be had without great delays, yet where certain kinds of work are absolutely vital to the maintenance of a school or agency plant. These conditions will account for the fact that, though a few Indians here and there have risen to places of prominence in the Indian Service, for the most part they are still acting as assistants to white employees.\*

**Problems of Personnel Administration.** The distance of the field employees from the seat of government, the isolation of the agencies, and special qualities needed for successful work with the Indians all render the personnel problem an exceedingly difficult one. Mr. Leupp in 1910 summarized his experience in personnel matters as follows:

Substantially all the officers and employees of the Indian Service except those appointed by the President are in the classified civil service, and as a consequence are not permitted to take any active part in politics. Indeed, few of them even enjoy the privilege of voting; for those in the Indian Office in Washington cannot vote except by going back to the state from which they were appointed,

\* Leupp, *The Indian and his problem*, pp. 110-11.

while only a few of those in the field are attending to their official business in the states of which they are citizens. This does not mean that the patronage idea is wholly rooted out of the Service, for it has the persistency of other noxious growths; and in spite of the fact that employees who have come in through a supposed merit test are not technically beholden as vassals to a lord, it is a common thing for very ambitious ones to drum up their "influence" whenever they see a chance to advance their interests by promotion or otherwise. The Commissioner may resist successfully the deluge of importunities from political managers and eminent statesmen if a \$400 cook discovers an opening at \$450 which she would like, but he has to waste on such trifles a good deal of time which might be put to better use. The public men who descend upon him despise their errand as much as he does, but it is a part of what they are expected to do under the rules of the political game, and they do it as cheerfully as they can. If he is wise, he keeps a sort of waiting list of subordinates who are deserving of promotion, and, as soon as he gets wind of a vacancy, selects an employee in a position further down the scale to fill it. Then, when the political patron of some other employee calls to press his client's claims, it is too late, and visitor and host can divert their conversation to a more edifying topic.

It is pretty safe presumption that the functionary, important or petty, who beats the bushes for outside influence, is conscious of his lack of sufficient unassisted deserts. Looking up the statistics once, I found that of all the promotions I had made personally, more than eighty-five per cent were of men and women whose efficiency had made them known to me, though they not only had not applied for an advance, but were not even aware that they had been under consideration; whereas, of the two men who had pulled wires most persistently and brought to their aid the biggest figures in Washington life, but failed to get what they wanted, one is at the present writing a fugitive from justice in parts unknown, and the other is awaiting trial on a criminal indictment of many counts.

\* \* \* \*

Life in the Indian field is not a career of unmixed enjoyment. The isolation of the posts makes the cost of living high as compared with neighborhoods where not everything has to be brought in by thirty, fifty or one hundred miles of teaming from the railroad. Cooks who can prepare a digestible meal command so much better wages in the towns that they are seldom willing to live far from civilization for long at a time. The quarters furnished by the Government may or may not be comfortable; at one point there may be no vacant place for a man with a family of four or five except a couple of rather cheerless rooms, whereas at another there may be no children and every married couple can have a

pleasant cottage to itself. Of society as a rule there is none outside of the little group of employees, who may prove agreeable, disagreeable or indifferent, according as accident has thrown the right or the wrong persons together. In most respects an Indian post resembles a frontier fort of the old times, save that the army officers and their families had commonly enjoyed similar antecedents, whereas the Indian Service employees are drawn at random from every quarter of the country and from all social strata.

These facts will account for the frequency with which the Commissioner is besieged by his field subordinates for transfers. An employee finds his present situation wearing on his nerves, perhaps because of his physical surroundings, perhaps because of friction with his companions, perhaps because he has "gone stale" through the endless monotony of his work; and though he has little idea what kind of a place he may be sent to next, he is full of faith that any change will prove a relief. Those persons who have seen the Indian establishment only from the outside criticize the transfer practice most severely, and more than one Commissioner has entered upon his duties with a firm resolve that he will break it up. Closer acquaintance with the subject tends to a more charitable judgment. It is well to consider each application as an individual proposition, and to scrutinize it carefully in the interests of both Service and servant; for cast-iron general rules are out of the question unless we would wring all the human quality out of the business and reduce it to the dead level of a machine.

Separation from the Service may occur by any of five processes: limitation of law, if the person concerned has been appointed to a position or assigned to duties for which the appropriation expires on a fixed date; resignation; death; honorable discharge for mental disability; or dismissal for cause. Resignation leaves the retiring civil servant eligible for reappointment, in the discretion of his superiors, at any time within a period prescribed by the Civil Service Commission; the same is true of his mental disability if it be satisfactorily relieved; dismissal for cause, however, debars him not only from reinstatement in the Indian Service, but from appointment to any other position in the civil service unless the officer who removed him is willing to certify that the evidence on which such action was taken has been discovered to be false and misleading, and the dismissal therefore undeserved.

As to the publicity attending dismissals, forced resignations or refusals to reappoint, every Commissioner has his own methods. During an administration of four years and six months, I had occasion to get rid of nearly forty persons holding positions of responsibility under me; but in only five or six instances did I feel that any good end was to be gained by publishing the details. A man dropped out of sight, and the people who had been doing

business with him knew it; prospective employers who might write to the Indian Office for an explanation of his retirement were welcome to it, and the demands of justice had been satisfied by putting him where he could do no further mischief and neglect no more public duties; what, then, was the use of carrying the matter further? It would add nothing to the good repute of the Service; and in view of the uncertainties of evidence and the fallibility of human judgment, there usually remained at least a remote possibility that a wrong had been done, which it would be easier to repair later if no unnecessary noise were made over the event. The few exceptions to this rule were in the cases of officers who had robbed the Indians or the Government, got their bondsmen into trouble and rendered themselves liable to prosecution, or whose offences in other lines had become subjects of public scandal.\*

\* *Ibid*, pp. 108-10, 111-14.



## APPENDIX 1

### STATISTICS

In the following tables are given statistics on Indians and Indian Service activities for the fiscal year 1926 or at the end of that year. Table 1 gives data for both agencies and tribes, but in the remaining tables the figures are classified only by agencies or schools, which are the administrative units of the Indian Service.

**Indians under Indian Service.** Table 1 indicates approximately the number of Indians under the supervision of the Office of Indian Affairs. The stub of the table shows both the name of the agency and the name of the tribe, but the tribal name is omitted if it is the same as that of the agency.

Except in the case of the Five Civilized Tribes the figures are those published in the annual reports of the Commissioner of Indian Affairs, and show the number of Indians under the jurisdiction of the several superintendencies, regardless of whether the Indians hold fee patents or patents in trust. While all the Indians are administratively under the superintendency specified, in the north an appreciable percentage actually lives in the area under other superintendencies or in other places.

The number of Indians under the supervision of the Indian Service is materially less than the total shown in the table, as the Service has no control over the property of fee patent Indians. But a fee patent Indian may also be a trust patent Indian, as his original allotment may be held under a fee patent, but an inherited allotment may be held in trust. Likewise the children of a fee patent Indian would not be under the control of the Indian Service during the life of the patentee, but on the death of the parent the minor children may receive a trust patent for the land. No figures are available on the actual number of Indians under the direction of the Indian Service or the area of land controlled by the government.

The totals by age and degree of blood do not add to the grand total or to some subtotals, as these details are not given for some superintendencies. In the report of the Commissioner of Indian Affairs this distribution is estimated.

The detailed figures for age and degree of blood do not always add to the total number of Indians, due to errors in the published report or in the agency returns. The figures as published in the report of the Commissioner have been corrected wherever it has been possible to check them against the reports from the agency. Where the figures in the agency reports do not add to the total, the figures have been given as reported, as there has been no way of determining which figures are in error.

In the case of the Five Civilized Tribes the figures are those of a special count of original restricted allottees made in 1926, plus the number of children of school age as given in the report of the Commissioner. The resulting figure is probably less than the total population, as no account is taken of children of allottees over the school age. The figures are materially less than those in the annual report of the Commissioner of Indian Affairs, as the Indian Office figures are those of the roll of 1907, which includes freedmen (negroes), intermarried whites, and persons with so small an admixture of Indian blood that they can scarcely be considered Indians.

TABLE I  
INDIANS UNDER THE INDIAN SERVICE

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
Total .....	262,293	88,981	104,341	112,088	34,763	33,074
Arizona .....	44,729	20,111	19,725	39,212	310	224
Camp Verde .....	418	98	320	418	0	0
Colorado River .....	1,128	450	678	998	60	70
Mohave (Colorado River Res- ervation) .....	394	169	225	394	12	5
Mohave (Fort Mohave Res- ervation) .....	488	162	326	488	0	0
Chemehuevi .....	246	119	127	133	48	65

TABLE 1

INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
<i>Arizona—Continued</i>						
Fort Apache (White Mountain Apache) .....	2,628	1,306	1,322	2,588	20	20
Havasupai .....	181	72	109	181	0	0
Hopi Agency .....	5,074	2,477	2,597	5,074	0	0
Hopi .....	2,092	1,005	1,087	2,092	0	0
Tewa .....	282	153	129	282	0	0
Navajo * .....	2,700	....	....	....	....	....
Kaibab (Paiute) .....	94	39	55	94	0	0
Leupp (Navajo) .....	1,183	....	....	....	....	....
Navajo .....	12,360	7,553	4,807	11,985	150	125
Pima-Gila River Reservation.	5,567	2,458	3,099	5,567	0	0
Pima and Maricopa .....	4,290	1,874	2,406	4,290	0	0
Papago .....	277	84	193	277	0	0
Nomadic * .....	1,000	....	....	....	....	....
Salt River .....	1,311	596	721	1,311	0	0
Pima-Maricopa .....	1,110	527	583	1,110	0	0
Mohave-Apache .....	201	63	138	201	0	0
San Carlos (Apache) .....	2,511	981	1,530	2,437	65	9
Sells (Papago) .....	4,942	2,039	2,903	4,942	0	0
Truxton Canon (Hualapai)....	432	158	274	423	0	0
Western Navajo .....	6,900	3,709	3,191	6,894	6	0
Navajo .....	6,550	3,525	3,025	6,528	2	0
Hopi .....	350	184	166	346	4	0
California .....	18,913	4,979	13,934	8,197	4,149	3,844
Bishop subagency .....	1,492	580	912	1,328	141	23
Paiute .....	1,270	483	787	1,145	102	23
Shoshone .....	110	46	64	104	6	0
Monache .....	106	46	60	78	28	0
Washoe .....	6	5	1	1	5	0
Fort Bidwell .....	597	224	373	572	19	0
Paiute .....	220	91	129	214	6	0
Pit River .....	377	133	244	364	13	0
Fort Yuma .....	859	301	558	825	24	10
Yuma .....	833	281	552	799	24	10
Cocopah .....	26	20	6	26	0	0

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TABLE I

INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
<i>California—Continued</i>						
Hoopa Valley .....	1,916	714	1,202	1,095	504	317
Bear River .....	24	6	18	12	8	4
Blue Lake .....	73	22	50	29	30	13
Crescent City .....	51	9	42	20	15	16
Eel River .....	157	81	76	60	50	47
Hoopa Valley .....	550	231	319	273	193	84
Klamath River .....	581	180	401	355	129	87
Lower Klamath .....	375	122	253	261	50	44
Smith River .....	106	63	43	55	29	22
Mission .....	2,723	863	1,860	.....	.....	.....
Augustine Band .....	17	2	15	.....	.....	.....
Cabezon Band .....	33	7	26	.....	.....	.....
Cahuilla Band .....	110	24	86	.....	.....	.....
Campo Band .....	130	40	90	.....	.....	.....
Capitan Grande Band.....	141	56	85	.....	.....	.....
Cuyapaipe Band .....	6	0	6	.....	.....	.....
Inaja Band .....	34	8	26	.....	.....	.....
Laguna Band .....	1	0	1	.....	.....	.....
La Jolla Band .....	223	60	163	.....	.....	.....
La Posta Band.....	4	1	3	.....	.....	.....
Los Coyotes Band.....	104	31	73	.....	.....	.....
Manzanita Band .....	49	8	41	.....	.....	.....
Mesa Grande Band.....	199	78	121	.....	.....	.....
Mission Creek Band.....	5	1	4	.....	.....	.....
Morongo Band .....	279	102	177	.....	.....	.....
Pala Band .....	205	77	128	.....	.....	.....
Palm Springs Band.....	47	8	39	.....	.....	.....
Pauma Band .....	64	25	39	.....	.....	.....
Pechanga Band .....	208	55	153	.....	.....	.....
Rincon Band .....	148	46	102	.....	.....	.....
San Manuel Band.....	39	8	31	.....	.....	.....
San Pascual Band.....	3	0	3	.....	.....	.....
Santa Rosa Band.....	53	14	39	.....	.....	.....
Santa Ynez Band.....	77	21	56	.....	.....	.....
Volcan (Santa Ysabel) Band.	195	85	110	.....	.....	.....
Soboba Band .....	116	27	89	.....	.....	.....
Sycuan Band .....	38	12	26	.....	.....	.....
Torres-Martinez Band .....	195	68	127	.....	.....	.....
Sacramento .....	11,326	2,297	9,029	4,371	3,461	3,494
Mewuk (Digger) .....	687	137	550	317	166	204
Little Lake .....	132	26	106	50	31	51
Coucou .....	283	56	227	208	42	33
Pit River .....	347	72	270	213	75	54
Washoe .....	209	60	239	218	68	13
Fall River .....	166	54	112	148	12	6
Mixed tribes .....	9,483	1,861	7,422	3,158	3,030	3,095
Ukie .....	134	31	103	59	37	38
Colorado: Consolidated Ute.....	790	390	400	753	18	19
Ute Mountain Utes.....	432	228	207	429	3	0
Southern Utes .....	358	165	193	324	15	19

TABLE 1

INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
Florida: Seminole .....	469	167	302	460	9	0
Idaho .....	3,959	1,570	2,389	1,652	259	291
Cœur d'Alene .....	799	305	494	654	80	65
Cœur d'Alene .....	589	230	359	508	39	42
Kalispel .....	86	35	51	86	....	....
Kootenai .....	124	40	84	60	41	23
Fort Hall .....	1,767	685	1,082	....	....	....
Fort Lapwai—Nez Perce.....	1,393	580	813	998	179	226
Iowa: Sac and Fox.....	374	190	184	374	0	0
Kansas: Potawatomi .....	1,527	764	763	525	431	571
Iowa .....	343	151	192	6	79	258
Kickapoo .....	280	166	114	11	179	90
Potawatomi .....	808	415	393	508	161	139
Sac and Fox.....	96	32	64	0	12	84
Michigan: Mackinac (Lac Vieux Desert Band Chippewas).....	1,193	417	776	95	499	599
Minnesota .....	14,819	7,796	7,023	1,196	5,666	6,575
Consolidated Chippewas .....	12,586	6,720	5,866	656	5,002	5,546
Fond du Lac.....	1,382	717	665	....	....	....
Grand Portage .....	382	199	183	6	198	178
Leech Lake Reservation.....	1,899	906	993	263	743	893
Leech Lake Pillager.....	852	380	472	161	315	376
Leech, White Oak Point, Mississippi Chippewas ...	550	286	264	52	225	273
Leech, Cass, and Winne- begoishish Chippewas ....	497	240	257	50	203	244
Bois Fort Reservation—Nett Lake Chippewas .....	620	312	308	300	111	209
White Earth Reservation....	8,303	4,586	3,717	87	3,950	4,266
White Earth Mississippi Chippewas .....	3,433	1,961	1,472	6	1,612	1,815
Removal Mille Lac Chip- pewas .....	1,515	854	661	25	719	771
Otter Tail Pillager Chip- pewas .....	944	528	416	22	457	465
Gull Lake Mississippi Chip- pewas .....	552	288	264	4	276	272
Nonremoval Mille Lac Mississippi Chippewas ...	294	167	127	15	136	143
Pembina Chippewas .....	697	370	327	6	326	365
Removal Leech Lake Pillager Chippewas .....	302	137	171	6	144	158
Removal White Oak Point Mississippi Chippewas ...	355	190	165	3	179	173
Removal Fond du Lac Mississippi Chippewas ...	130	54	76	0	64	66
Removal Cass and Winne- begoishish Chippewas ....	75	37	38	0	37	38

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TABLE 1

INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
<i>Minnesota—Continued</i>						
Pipestone (Mdewakanton Sioux)	512	162	350	110	94	308
Red Lake Chippewas.....	1,721	914	807	430	570	721
<i>Mississippi: Choctaw</i> .....	1,200	.....	.....	.....	.....	.....
<i>Montana</i> .....	13,273	6,461	6,812	4,874	2,931	3,665
Blackfeet .....	3,278	1,682	1,596	1,062	1,131	1,085
Crow .....	1,803	853	950	.....	.....	.....
Flathead .....	2,726	1,189	1,537	536	579	1,611
Fort Belknap .....	1,202	545	657	705	201	296
Assiniboine .....	581	258	323	355	108	118
Gros Ventre .....	621	287	334	350	93	178
Fort Peck .....	2,301	1,244	1,057	1,045	680	576
Yankton Sioux .....	1,461	799	662	713	387	361
Assiniboine .....	840	445	395	332	293	215
Rocky Boy's Agency.....	523	246	277	244	279	0
Tongue River (Northern Chey- ennes) .....	1,440	702	738	1,232	61	97
<i>Nebraska</i> .....	2,639	1,365	1,274	1,666	508	465
Winnebago .....	1,096	568	528	565	396	135
Omaha .....	1,543	797	746	1,101	112	330
<i>Nevada</i> .....	5,692	2,798	2,894	3,434	702	286
Carson Agency .....	3,355	1,885	1,470	2,330	483	272
Paiutes .....	1,535	801	734	1,300	173	62
Shoshone and Washoes.....	1,500	950	550	1,000	300	200
Fort McDermitt subagency (Paiutes) .....	320	134	186	30	10	10
Moapa River Agency.....	192	69	123	181	4	7
Walker River Agency.....	1,465	515	950	1,257	102	6
Walker River Paiutes.....	509	159	350	441	62	6
Mason-Smith Valleys .....	444	173	271	416	28	0
Fallon subagency (Paiutes)..	388	126	262	381	7	0
Lovelock (Paiutes) .....	124	57	67	119	5	0
Western Shoshone (Shoshone Paiutes) .....	680	329	351	566	113	1
<i>New Mexico</i> .....	22,527	7,210	8,317	15,229	266	32
Jicarilla .....	635	322	313	633	0	2
Mescalero (Apache) .....	661	309	352	609	27	25

TABLE I  
INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
<i>New Mexico—Continued</i>						
Northern Pueblos .....	3,335	1,503	1,832	3,283	47	5
Santo Domingo .....	1,104	468	636	1,104	0	0
Taos .....	656	310	346	647	4	5
Picuris .....	105	36	69	105	0	0
San Juan .....	497	225	272	477	20	0
Cochiti .....	273	131	142	265	8	0
Santa Clara .....	354	182	172	346	8	0
San Ildefonso .....	102	44	58	102	0	0
Nambe .....	122	48	74	115	7	0
Paguate .....	8	2	6	8	0	0
Tesuque .....	114	57	57	114	0	0
Pueblo Bonito (Navajo).....	3,000	1,500	1,500	2,880	120	0
San Juan (Navajo)*.....	7,000	.....	.....	.....	.....	.....
Southern Pueblos .....	6,012	2,701	3,311	5,940	72	0
Acoma .....	970	443	527	960	9	0
Isleta .....	1,028	464	564	1,012	16	0
Laguna .....	2,000	881	1,119	1,957	43	0
Jemez .....	596	280	316	592	4	0
Sandin .....	100	42	58	100	0	0
San Felipe .....	532	203	329	532	0	0
Santa Ana .....	234	134	100	234	0	0
Zia .....	160	75	85	160	0	0
Canoncita and Puertecita Navajos .....	392	179	213	392	0	0
Zuni .....	1,884	875	1,009	1,884	0	0
<i>New York</i> .....	5,342	.....	.....	.....	.....	.....
St. Regis .....	976	.....	.....	.....	.....	.....
Senecas .....	2,416	.....	.....	.....	.....	.....
Tonawanda .....	556	.....	.....	.....	.....	.....
Tuscarora .....	383	.....	.....	.....	.....	.....
Cayuga .....	181	.....	.....	.....	.....	.....
Oneida .....	262	.....	.....	.....	.....	.....
Onondaga .....	568	.....	.....	.....	.....	.....
<i>North Carolina: Eastern Chero- kees</i> .....	2,833	1,620	1,213	1,700	285	848
<i>North Dakota</i> .....	10,119	5,108	5,011	3,900	3,683	2,536
Fort Berthold .....	1,334	675	659	809	375	150
Arikara .....	445	223	222	239	161	45
Gros Ventre .....	605	306	299	283	152	70
Mandan .....	284	145	138	187	62	35
Fort Totten (Devils Lake Sioux)	957	468	489	576	381	0
Standing Rock (Sioux).....	3,626	1,563	2,063	2,341	607	678
Turtle Mountain .....	4,202	2,402	1,800	174	2,320	1,708

TABLE I  
INDIANS UNDER INDIAN SERVICE—Continued

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
Oklahoma .....	56,540	7,932	8,824	8,251	3,634	4,872
Cantonment .....	724	300	424	627	42	55
Arapaho .....	217	92	125	196	11	10
Cheyenne .....	507	208	299	431	31	45
Cheyenne and Arapaho .....	1,181	486	695	770	276	135
Arapaho .....	473	199	274	318	86	69
Cheyenne .....	708	287	421	452	190	66
Kiowa Agency .....	5,135	2,377	2,760	2,567	1,541	1,029
Kiowa .....	1,782	859	923	891	535	356
Comanche .....	1,790	843	947	895	537	358
Apache .....	203	105	99	101	61	42
Fort Sill Apache .....	88	37	53	45	27	18
Wichitas, Caddos, and affili- ated bands .....	1,272	533	738	635	381	255
Osage .....	2,826	1,432	1,394	980	0	1,846
Pawnee .....	1,266	640	626	633	354	279
Pawnee .....	824	408	416	551	239	34
Kaw .....	442	232	210	82	115	245
Ponca .....	1,431	777	654	452	747	232
Ponca .....	746	390	356	156	531	59
Tonkawa .....	48	28	20	43	5	0
Otoe and Missouria .....	637	359	278	253	211	173
Quapaw .....	1,886	899	987	92	517	1,278
Wyandots .....	524	306	218	1	18	505
Senecas .....	596	307	289	10	333	253
Eastern Shawnees .....	176	82	94	1	78	97
Ottawas .....	256	85	171	1	39	217
Quapaws .....	334	119	215	79	49	206
Seger .....	761	325	436	751	0	10
Cheyenne .....	620	261	359	616	0	4
Arapaho .....	141	64	77	135	0	6
Shawnee .....	3,771	606	848	1,379	157	8
Absentee Shawnee .....	565	243	322	535	23	7
Citizen Potawatomi .....	2,227	...	...	...	...	...
Mexican Kickapoo .....	198	81	117	194	3	1
Sac and Fox .....	697	347	350	567	130	0
Iowa .....	84	25	59	83	1	0
Five Civilized Tribes .....	37,568	...	...	...	...	...



TABLE I

INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
Oregon .....	6,662	1,881	2,581	1,998	1,646	818
Klamath Agency .....	1,249	661	588	621	289	339
Klamath .....	472	199	273	191	93	188
Modoc .....	213	77	136	106	28	79
Paiute .....	86	37	49	85	1	0
Pit River .....	31	9	22	15	6	10
Shasta .....	8	4	4	0	0	8
Mixed tribes .....	439	335	104	224	161	54
Siletz subagency (under Salem) .....	1,112	430	682	411	567	134
Umatilla .....	1,113	409	704	378	405	330
Warm Springs .....	988	381	607	588	385	15
Scattered Indians .....	" 2,200	....	....	....	....	....
South Dakota .....	24,676	7,830	9,026	6,593	3,860	2,856
Cheyenne River (Sioux) .....	3,026	1,468	1,558	1,634	324	1,068
Crow Creek (Sioux) .....	924	359	574	520	301	103
Lower Brule subagency (Sioux) .....	595	301	294	251	136	207
Flandreau (Sioux) .....	308	120	188	163	106	39
Pine Ridge (Oglala Sioux) .....	7,820	....	....	....	....	....
Rosebud (Sioux) .....	5,890	2,710	3,180	3,000	2,090	800
Sisseton (Sisseton and Wahpeton Sioux) .....	2,477	1,168	1,309	935	903	639
Yankton .....	3,636	1,707	1,929	....	....	....
Yankton Sioux .....	1,986	976	1,010	....	....	....
Santee Sioux .....	1,277	548	729	....	....	....
Ponca .....	373	183	190	....	....	....
Utah .....	1,584	714	870	1,416	94	74
Shivwits (Paiute) .....	83	40	43	83	0	0
Goshute (Goshutes) .....	167	79	88	167	0	0
Warm Creek .....	5	2	3	5	0	0
Skull Valley .....	45	19	26	45	0	0
Cedar City Paiute .....	34	13	21	34	0	0
Indian Peak .....	22	5	17	22	0	0
Koosharem (Pahvant) .....	31	12	19	31	0	0
Kanosh (Pahvant) .....	19	5	14	19	0	0
Uintah and Ouray .....	1,178	539	639	1,010	94	74
White River .....	248	84	164	245	3	0
Uintah .....	500	271	229	337	89	74
Uncompahgre .....	430	184	246	428	2	0
Washington .....	12,436	5,097	6,606	6,383	2,516	2,078
Colville .....	3,520	1,673	1,856	1,657	736	1,136
Colville .....	2,817	1,324	1,493	1,380	380	854
Spokane .....	707	349	358	272	153	282
Chewelah .....	5	0	5	5	0	0
Neah Bay .....	660	273	387	585	57	18

TABLE 1  
INDIANS UNDER INDIAN SERVICE—*Continued*

States, superintendencies and tribes	Total	Age		Degree of blood		
		Minors	Adults	Full blood	Half or more than half	Less than half
<i>Washington—Continued</i>						
Taholah .....	2,624	1,108	1,516	1,448	740	436
Chehalis .....	89	37	52	71	18	0
Nisqually .....	62	12	50	33	19	10
Quinalt .....	766	274	492	279	251	236
Squaxin Island .....	50	12	38	47	3	0
Skokomish .....	182	73	109	118	49	15
Unattached .....	1,475	700	775	900	400	175
Tulalip .....	2,581	881	967	652	352	118
Tulalip .....	493	226	267	250	230	13
Lummi .....	516	255	260	0	0	0
Nooksacks .....	210	102	108	0	0	0
Swinomish .....	244	103	141	196	46	2
Port Madison .....	195	92	103	66	43	86
Muckleshoot .....	190	102	88	140	33	17
Clallam .....	533	.....	.....	.....	.....	.....
Skagit and Suiattle.....	200	.....	.....	.....	.....	.....
Yakima confederated .....	3,042	1,162	1,880	2,041	631	370
Wisconsin .....	8,089	3,749	4,350	3,088	2,955	2,046
Grand Rapids (Winnebago)....	1,328	616	712	1,318	0	10
(Potawatomi) .....	40	18	22	40	0	0
Hayward (LacCourte Oreilles) .....	1,365	555	810	215	840	310
Keshena (Menominee) .....	1,917	1,020	882	300	900	711
Lac du Flambeau.....	839	355	484	300	428	111
Laona .....	875	487	398	875	0	0
Wisconsin Potawatomes .....	403	212	191	403	0	0
Rice Lake Chippewas.....	170	96	84	170	0	0
Kansas Potawatomes .....	302	179	123	302	0	0
La Pointe .....	1,731	689	1,042	40	787	904
Bad River Chippewas.....	1,144	466	684	38	380	726
Red Cliff Chippewas.....	587	229	358	2	407	178
Wyoming: Shoshone .....	1,899	832	1,067	1,182	322	375
Arapahoes .....	947	424	523	750	118	79
Shoshone .....	952	408	544	432	224	296

<sup>a</sup> Estimated.

<sup>b</sup> From 1925 report. Estimated.

<sup>c</sup> 1924 figures.

**Indians Not Under Indian Service.** The number of Indians not under the Indian Service is shown approximately in Table 2. All these figures are from the Census of 1920, except those for Michigan, New York, North Carolina, and Oklahoma. The figures for North Carolina and Michigan are those of the Census of 1920, less the number reported by the agent; for New York they are those reported by the agent for Indians not living on reservations; for Oklahoma they are those of the Census of 1920 for the counties in the Five Tribes area, less the number given in Table 1 as being under the Indian Service. There is an appreciable margin of error in the figures for Oklahoma, as the Census figures are for 1920, while the Indian Office figures are for 1926.

TABLE 2  
INDIANS NOT UNDER INDIAN SERVICE, 1920

Alabama .....	405	New Hampshire .....	28
Arkansas .....	106	New Jersey .....	100
Connecticut .....	159	New York .....	360
Delaware .....	2	North Carolina .....	9,392
District of Columbia .....	37	Ohio .....	151
Georgia .....	125	Oklahoma .....	9,263
Illinois .....	194	Pennsylvania .....	337
Indiana .....	125	Rhode Island .....	110
Kentucky .....	57	South Carolina .....	304
Louisiana .....	1,066	Tennessee .....	56
Maine .....	839	Texas .....	2,109
Maryland .....	32	Vermont .....	24
Massachusetts .....	555	Virginia .....	824
Michigan .....	4,521	West Virginia .....	7
Missouri .....	171	Total .....	31,459

**Comparison of Census and Indian Service Statistics of Population.** The Bureau of the Census and the Indian Office figures for Indian population in 1920 are shown in Table 3, the Indian Office reports showing approximately 100,000, or 42 per cent more than the Census. It is impossible to reconcile these figures, owing to the lack of a definition of what constitutes an Indian. Each census enumerator would use his own judgment as to who should be considered an Indian, while the officers of the Indian Service would be guided by a legal determination where the rolls had been closed or by the general practice of the Service in other cases. The results are shown particularly in Oklahoma, where the Indian Service

reports 119,255 compared with 57,337 reported by the Census. The Indian Service figures for the Five Civilized Tribes are those of the

TABLE 3

INDIAN OFFICE AND CENSUS OFFICE FIGURES FOR INDIAN POPULATION, 1920

	Indian Office figures, June 30, 1920	Census figures, January 1, 1920
Arizona .....	42,400	32,989
California .....	16,241	17,360
Colorado .....	796	1,383
Florida .....	454	518
Idaho .....	4,048	3,098
Iowa .....	345	529
Kansas .....	1,466	2,276
Michigan .....	7,510	5,614
Minnesota .....	12,681	8,761
Mississippi .....	1,400	1,105
Montana .....	12,374	10,956
Nebraska .....	2,461	2,888
Nevada .....	5,900	4,907
New Mexico .....	21,530	19,512
New York .....	6,432	5,503
North Carolina .....	8,268	11,824
North Dakota .....	9,018	6,254
Oklahoma		
Western Oklahoma .....	17,749	} 57,337
Five Tribes by blood, adoption, or intermarriage .....	78,101 <sup>a</sup>	
Freedmen .....	23,405 <sup>a</sup>	
Oregon .....	6,629	4,590
South Dakota .....	23,010	16,384
Utah .....	3,057	2,711
Washington .....	11,114	9,061
Wisconsin .....	10,319	9,611
Wyoming .....	1,748	1,343
States for which Indian Office uses Census figures .....	7,923	7,923
Total .....	336,379 <sup>b</sup>	244,437

<sup>a</sup> Figures are those of the roll of 1907.

<sup>b</sup> The total in the Indian Office Report for 1920 is 336,337, as the Census figures for 1920 were not available when that report was printed, and 1910 Census figures were used.

roll of 1907, or thirteen years previous to the Census. The Indian figures include 23,405 freedmen, who would be reported by the Census as negroes, but who are legally Indians. Of the other

Indians carried on the rolls of the Five Civilized Tribes many have such a small portion of Indian blood that it would be impossible for the casual observer to know that they were Indians. It is likely that in states where there are large Indian reservations and the Indians are more largely segregated under the Service the Indian Office figures would be nearest the truth, while in the older states where the Indians are scattered and the Service has only a few areas under its supervision the Census figures are more accurate. The discussion is largely futile, however, in the absence of any criterion as to the degree of blood that constitutes an Indian.

**Utilization of Land and Rations Issued.** In Table 4 are given data on Indian lands and rations issued, taken from the records of the Indian Service. Prior to the fiscal year 1921 these figures were published each year in the report of the Commissioner. They purport to apply to all Indians in the "Indian country," but there is probably a varying margin of error in the figures for farming and leasing. For these items the figures are more likely to be correct for agencies where most of the Indians are under supervision; that is, holding trust patents or unallotted. As the affairs of the patent-in-fee Indians are not under the control of the Indian Service, figures regarding their lands and activities are not likely to be accurate. It is not possible to give separate figures for the Indians under government supervision. The figures regarding value of rations and supplies issued are taken from the records of the Indian Office.

TABLE 4  
UTILIZATION OF LANDS AND RATIONS ISSUED FISCAL YEAR 1925

State and agency	Utilization of land			Value of rations and supplies issued <sup>a</sup>
	Farmed by Indians	Leased for farming or stock raising		
		Allotted land	Unallotted land	
Arizona	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>	
Camp Verde .....	178	.....	16	.....
Colorado .....	1,444	.....	100,000	\$1,990
Fort Apache .....	4,309	.....	1,126,600	6,251
Havasupai .....	85	.....	.....	965
Hopi .....	5,406	.....	.....	.....
Kaibab .....	1,111	.....	.....	1,134
Leupp .....	500	.....	.....	.....
Navajo .....	b	b	b	1,000
Pima .....	11,860	2,500	.....	4,255
Salt River .....	4,381	.....	.....	.....
San Carlos .....	892	.....	1,076,789	6,654
Sells .....	13,470	.....	.....	.....
Truxton Canyon .....	20	.....	.....	1,493
Western Navajo .....	882	.....	.....	200
California				
Bishop .....	2,937	360	.....	268
Fort Bidwell .....	1,229	25,610	.....	4,397
Fort Yuma .....	2,607	3,980	240	240
Hoopa Valley .....	2,765	.....	.....	1,301
Mission .....	3,994	25	.....	6,050
Sacramento .....	5,789	27,000	.....	414
Colorado—Consolidated Ute .....	3,200	1,050	150,000	7,967
Idaho				
Coeur d'Alene .....	11,750	35,380	.....	.....
Fort Hall .....	11,026	173,396	92,867	672
Fort Lapwai .....	4,000	62,466	3,661	.....
Iowa—Sac and Fox .....	1,500	.....	520	.....
Kansas—Potawatomi .....	15,659	32,282	.....	.....
Michigan—Mackinac .....	1,190	.....	.....	385
Minnesota				
Consolidated Chippewa .....	14,696	550	.....	13,000
Bois Forte .....	190	.....	.....	b
Fond du Lac .....	1,600	.....	.....	b
Grand Portage .....	6	.....	.....	b
Leech Lake .....	3,400	550	.....	b
White Earth .....	9,500	.....	.....	b
Red Lake .....	2,414	.....	.....	1,824
Mississippi—Choctaw .....	b	b	b	1,500
Montana				
Blackfeet .....	9,136	839,222	.....	b
Crow .....	63,406	1,924,986	200,000	.....
Flathead .....	30,000	102,000	75,482	3,190
Fort Belknap .....	16,810	625,638	b	7,500
Fort Peck .....	b	.....	.....	4,276
Rocky Boy .....	818	.....	30,080	6,063
Tongue River .....	10,000	.....	95,000	5,575
Nebraska—Winnebago—Omaha .....	17,500	47,706	1,312	.....
Nevada				
Carson .....	1,190	.....	.....	2,800
Mojave River .....	350	.....	.....	100
Walker River .....	2,550	40	.....	558
Western Shoshone .....	5,000	.....	.....	850
New Mexico				
Jicarillo .....	820	50,260	208,207	3,380
Mescalero .....	1,820	.....	50,000	5,000
Northern Pueblo .....	6,913	.....	.....	1,500
Pueblo Bonito .....	450	.....	.....	200
San Juan .....	9,000	.....	.....	.....

TABLE 4  
UTILIZATION OF LANDS AND RATIONS ISSUED—*Continued*

State and agency	Utilization of land			Value of rations and supplies issued
	Farmed by Indians	Leased for farming or stock raising		
		Allotted land	Unallotted land	
New Mexico—Continued	Acres	Acres	Acres	
Southern Pueblo .....	8,101	.....	112,920	.....
Zuni .....	7,000	.....	.....	.....
North Dakota				
Fort Berthold .....	15,500	255,000	420	.....
Fort Totten .....	3,996	25,320	.....	213
Standing Rock .....	15,000	121,923	.....	6,500
Turtle Mountain .....	6,000	61,789	.....	3,607
North Carolina—Cherokee .....	4,500	.....	.....	500
Oklahoma				
Cantonment .....	2,705	54,238	.....	.....
Cheyenne and Arapaho .....	2,606	66,809	.....	.....
Five Civilized Tribes .....	b	b	.....	.....
Kiowa .....	21,253	494,512	.....	.....
Osage .....	17,955	210,705	.....	.....
Pawnee .....	1,974	5,000	.....	.....
Ponca .....	4,220	83,551	1,200	.....
Quapaw .....	b	b	b	.....
Seger .....	2,578	59,676	.....	.....
Shawnee .....	10,844	46,654	.....	.....
Oregon				
Klamath .....	5,000	54,200	.....	311
Siletz .....	700	515	.....	145
Umatilla .....	387	76,311	.....	.....
Warm Springs .....	6,180	1,322	.....	1,348
South Dakota				
Cheyenne River .....	5,428	369,777	395,857	7,610
Crow Creek .....	2,320	53,659	.....	5,663
Flandreau .....	226	.....	697	950
Pine Ridge .....	22,400	429,662	.....	37,059
Rosebud .....	17,073	458,023	.....	14,066
Sisseton .....	9,662	103,451	.....	.....
Yankton .....	9,234	40,566	.....	3,495
Utah—Uintah and Ouray .....	14,477	38,889	97,080	9,451
Washington				
Colville .....	28,660	40,720	113,650	3,819
Neah Bay .....	280	.....	.....	452
Tahola .....	257	.....	.....	1,036
Tulalip .....	1,991	1,249	.....	476
Yakima .....	9,320	255,403	429,854	529
Wisconsin				
Grand Rapids .....	5,000	.....	.....	2,256
Hayward .....	454	.....	.....	375
Keshena .....	3,675	.....	.....	2,100
Lac du Flambeau .....	520	.....	.....	414
Laona .....	1,240	.....	.....	250
La Pointe .....	2,875	45	.....	.....
Wyoming—Shoshone .....	7,423	6,340	.....	6,330

<sup>a</sup> Figures are for 1926.

<sup>b</sup> Not reported.

**Individual and Tribal Money.** Table 5 shows the individual and tribal money of the Indians in the custody of officers of the government. The figures in this table include all tribal money,

TABLE 5  
INDIVIDUAL AND TRIBAL FUNDS OF INDIANS, JUNE 30, 1926

States and superintendencies	Individual funds in banks and in hands of superintendents	Balance of tribal funds in Treasury
Total, 1926 .....	\$44,534,746	\$23,541,869
Arizona .....	142,006	592,691
Camp Verde .....	2,195	0
Colorado River .....	6,944	13,874
Fort Apache .....	1,202	386,590
Fort Mojave .....	1,323	783
Havasupai .....	0	0
Hopi .....	85,000	0
Kaibab .....		11,725
Leupp .....	0	0
Navajo .....	3,500	0
Phoenix .....	2,011	0
Pima .....	10,556	0
Salt River .....	1,111	0
San Carlos .....	5,165	106,481
Sells .....	0	0
Truxton Canyon .....		72,568
Western Navajo .....	23,000	670
California .....	464,862	49,531
Bishop subagency .....	21,503	0
Fort Bidwell .....	53,052	0
Fort Yuma .....	9,673	11,402
Hoopa Valley .....	30,084	5,017
Mission .....	550	2,790
Sacramento .....	350,000	30,322
Colorado: Consolidated Ute .....	170,837	872,124
Florida: Seminole .....	0	0
Idaho .....	410,800	920,098
Coeur d'Alene .....	146,632	62,401
Fort Hall .....	47,000	646,815
Fort Lapwai .....	217,168	210,882
Iowa: Sac and Fox .....	12,623	171,952
Kansas: Potawatomi .....	116,020	104,102



TABLE 5  
INDIVIDUAL AND TRIBAL FUNDS OF INDIANS—*Continued*

States and superintendencies	Individual funds in banks and in hands of superintendents	Balance of tribal funds in Treasury
Michigan: Mackinac .....	33,479	1,668
Minnesota .....	400,968	6,010,651
Consolidated Chippewas .....	368,431	5,776,195
Pipestone .....	11,705	0
Red Lake .....	20,832	234,456
Mississippi: Choctaw .....	9,592	0
Montana .....	514,444	867,479
Blackfeet .....	21,230	12,596
Crow .....	239,295	144,809
Flathead .....	144,867	158,494
Fort Belknap .....	18,399	71,377
Fort Peck .....	73,458	476,403
Rocky Boy .....	0	996
Tongue River .....	17,195	2,804
Nebraska .....	330,130	27,630
Winnebago .....	203,265	24,366
Omaha subagency .....	126,865	3,264
Nevada .....	9,363	14,874
Carson .....	5,000	1,829
Moapa River .....	2,353	0
Walker River .....	1,062	1,397
Fallon subagency .....	290	0
Western Shoshone .....	659	11,648
New Mexico .....	105,175	481,838
Albuquerque .....	358	0
Jicarilla .....	12,705	234,880
Mescalero .....	45,430	54,811
Northern Pueblos .....	0	0
Pueblo Bonito .....	19,905	0
San Juan .....	0	191,959
Southern Pueblos .....	22,796	188
Zuni .....	3,980	0

TABLE 5  
INDIVIDUAL AND TRIBAL FUNDS OF INDIANS—*Continued*

States and superintendencies	Individual funds in banks and in hands of superintendents	Balance of tribal funds in Treasury
New York Agency .....	0	51,657
North Carolina (Cherokee) .....	25,345	0
North Dakota .....	988,030	384,260
Fort Berthold .....	551,022	37,283
Fort Totten .....	55,399	0
Standing Rock .....	352,663	345,614
Turtle Mountain .....	27,630	1,363
Wahpeton .....	1,316	0
Oklahoma .....	34,643,516	5,668,873
Cantonment .....	74,862	0
Cheyenne and Arapaho .....	344,111	96,773
Five Civilized Tribes .....	13,182,949	638,218
Kiowa .....	1,500,000	554,863
Osage .....	16,502,911	4,309,355
Pawnee .....	515,701	892
Ponca .....	47,283	14,484
Quapaw .....	1,938,145	179
Seger .....	199,379	0
Shawnee .....	338,175	54,109
Oregon .....	378,240	618,631
Klamath .....	255,488	538,621
Salem—		
Siletz subagency .....	21,842	0
Grand Ronde subagency .....	1,080	0
Fourth Section allottees .....	9,158	0
Umatilla .....	78,907	80,010
Warm Springs .....	11,764	0
South Dakota .....	2,933,812	2,443,860
Canton Asylum .....	1,990	0
Cheyenne River .....	281,447	1,410,030
Crow Creek .....	0	50,491
Lower Brule subagency .....	0	47,702
Flandreau .....	0	0
Pine Ridge .....	432,982	500,036
Rosebud .....	1,692,698	414,520
Sisseton .....	179,102	4,508
Yankton .....	345,593	16,573

TABLE 5  
INDIVIDUAL AND TRIBAL FUNDS OF INDIANS—*Continued*

States and superintendencies	Individual funds in banks and in hands of superintendents	Balance of tribal funds in Treasury
Utah: Uintah and Ouray .....	148,238	310,392
Washington .....	1,352,730	563,734
Colville .....	194,281	140,908
Spokane subagency .....	20,639	40,294
Neah Bay .....	3,932	147,003
Taholah .....	280,374	780
Tulalip .....	476,459	187,662
Yakima .....	377,045	47,087
Wisconsin .....	1,286,818	3,018,492
Grand Rapids .....	21,635	10,564
Hayward .....	71,561	14,590
Keshena .....*	505,957	2,993,338
Lac du Flambeau .....	83,061	0
Laona .....	60,233	0
La Pointe .....	544,372	0
Wyoming: Shoshone .....	57,718	367,332

\* Red Lake Indians share in part of this fund.

as such money is in the custody of the government only. The individual money includes only that of restricted Indians, and comprises only that accruing from real estate or the share of tribal funds. It does not include any money of patent-in-fee Indians, as such Indians have full control of the proceeds of their real property. Nor does it include any money received by the restricted Indian from wages or the sale of crops.

**Reservation Schools and General Data on Education.** Data on the reservation boarding and day schools operated by the Indian Service, mission schools, public schools, and the total children enrolled are given in Table 6, more detailed figures for contract mission schools being presented in Table 7 and data for non-reservation government boarding schools in Table 8. The data in Table 6 have been compiled from the Commissioner's annual report for 1926

and from the records of the Office of Indian Affairs. The figures relating to government reservation schools, mission schools, and public schools apply to the schools under the several agencies, regardless of whether the children attending these schools live in the area under a particular agency or in an area under another agency. The last five columns of the table, showing children enrolled, etc., apply to the children who reside in the area under a particular agency, regardless of whether they are in the schools under the agency or in other schools. Therefore, the figures for enrollment in the schools under any agency will not necessarily add to the total children of that agency enrolled in all schools.

Under enrollment is shown the number of children, regardless of the length of time in school. The average attendance in government schools is obtained by dividing the total daily attendance by the number of days the school is in session. The cost as given for government schools includes operation and ordinary maintenance and does not include additions or extensive repairs, the cost of which is defrayed from other appropriations.

The mission schools include contract and non-contract boarding and day schools. No expenditure is made by the government for students in non-contract mission schools, but the tuition of children in contract mission schools is defrayed from tribal funds, the cost of these schools being shown in Table 9.

For public schools average attendance figures are not available, and it is obviously impossible to give data on capacity. The free pupils are those whose parents are taxpayers and are thus entitled to the benefits of the public school system. The pay pupils are children of non-taxpaying Indians, whose tuition is paid by the government.

In the column headed "Children enrolled in schools outside the reservation" are shown the children enrolled in schools of all kinds not on the reservation on which the pupils reside. This includes those at the non-reservation schools as well as at schools on other reservations.

As probably many government boarding schools are overcrowded, the figures for capacity may not indicate capacity according to the best standards.

TABLE 6.  
RESERVATION SCHOOLS AND GENERAL DATA ON EDUCATION, FISCAL YEAR 1926

State and Agency	Government reservation schools									
	Boarding schools				Day schools					
	Number	Capacity	Total enrollment	Average attendance	Cost of operation	Number	Capacity	Total enrollment	Average attendance	Cost of operation
Arizona										
Camp Verde	1	8	68	67	13,145	.....	.....	.....	.....	.....
Colorado River	1	325	349	335	59,563	.....	82	79	65	6,562
Fort Apache	1	250	207	227	49,505	.....	.....	.....	.....	.....
Fort Mojave	1	.....	.....	.....	.....	1	35	12	11	2,592
Havasupai	1	148	156	144	45,131	5	360	360	311	43,163
Hopi	.....	.....	.....	.....	.....	3	79	69	54	6,152
Kaibab	1	425	432	405	95,368	.....	.....	.....	.....	.....
Leupp	1	846	910	867	186,276	2	60	58	51	5,060
Navajo	3	230	259	253	55,694	8	289	214	161	15,120
Pima	1	.....	.....	.....	.....	3	148	149	118	9,005
Salt River	1	216	169	132	33,595	4	267	180	69	8,317
San Carlos	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sells	1	200	228	218	42,783	.....	.....	.....	.....	.....
Tucson Canyon	1	308	291	256	84,082	1	35	25	23	2,964
Western Navajo	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	12	3,028	3,120	2,904	664,992	30	1,464	1,233	1,022	114,419
California										
Bishop	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Bidwell	1	100	110	99	23,223	.....	.....	.....	.....	.....
Fort Yuma	1	235	192	175	23,500	.....	.....	.....	.....	.....
Hoopa Valley	1	165	176	154	36,000	.....	110	101	74	16,530
Mission	.....	.....	.....	.....	.....	4	121	76	55	9,989
Sacramento	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	3	490	498	428	82,723	9	271	177	129	25,589
Colorado—Consolidated Ute	2	280	245	229	440,078	1	25	22	16	2

a Combined figure for boarding and day schools, which cannot be shown separately.

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State and Agency	Mission schools				Public schools			Chil- dren en- rolled in schools outside reser- vation	Total chil- dren en- rolled	Chil- dren of school age	Chil- dren eligible for school	Eligible chil- dren not in school	
	Num- ber	Ca- pa- city	Total en- roll- ment	Aver- age at- ten- dence	Free pupils	Pay pupils	Total						Cost
Arizona													
Camp Verde	.....	.....	.....	.....	4	7	49	60	108	91	31		
Colorado River	.....	.....	.....	.....	19	15	106	339	239	239	.....		
Fort Apache	2	132	141	108	5	.....	41	579	728	579	.....		
Fort Mojave	.....	.....	.....	.....	.....	.....	a	.....	.....	.....	.....		
Havasupai	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Hopi	.....	.....	.....	.....	11	17	40	52	58	52	.....		
Kanab	.....	.....	.....	.....	.....	.....	406	947	1,086	1,045	98		
Leupp	.....	.....	.....	.....	.....	.....	6	18	30	25	.....		
Navajo	2	420	416	405	24	.....	773	388	3,000	2,885	266		
Pima	6	512	219	219	23	.....	359	2,187	1,385	1,165	.....		
San Carlos	.....	.....	.....	.....	15	.....	137	354	388	354	.....		
Salt River	2	118	89	80	.....	128	31	520	554	520	.....		
San Carlos	13	813	633	404	49	.....	383	1,141	1,549	1,470	269		
Sells	.....	.....	.....	.....	.....	.....	12	87	108	87	.....		
Truxton Canyon	.....	.....	.....	.....	.....	.....	151	467	1,740	1,740	733		
Western Navajo	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....		
Total	25	1,995	1,498	1,276	9,126	9,167	2,532	8,181	11,656	10,304	2,123		
California													
Bishop	.....	.....	.....	.....	59	215	48	322	493	322	.....		
Fort Bidwell	.....	.....	.....	.....	7	39	14	148	158	148	.....		
Fort Yuma	.....	.....	.....	.....	21	.....	52	182	212	182	.....		
Hoop Valley	.....	.....	.....	.....	b	b	76	765	822	765	.....		
Mission	1	95	72	62	337	369	90	595	633	595	1		
Sacramento	.....	.....	.....	.....	b	b, 1,944	251	1,728	2,033	1,897	169		
Total	1	95	72	62	9,224	9,262	533	3,740	4,240	3,910	170		
Colorado—Consolidated Ute	.....	.....	.....	.....	34	.....	24	180	237	234	34		

a Included in figures for other agencies.

b Figures as given in reports; note that total number of pupils is less than pay pupils.

c Figures do not add to total; see preceding note.

TABLE 6.  
RESERVATION SCHOOLS AND GENERAL DATA ON EDUCATION, FISCAL YEAR 1926—Continued

State and Agency	Government reservation schools									
	Boarding schools					Day schools				
	Number	Capacity	Total enrollment	Average attendance	Cost of operation	Number	Capacity	Total enrollment	Average attendance	Cost of operation
<b>Idaho</b>										
Coeur d'Alene .....	1	200	195	185	40,077	2	60	25	18	4,304
Fort Hall .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Lapwai .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total .....	1	200	195	185	40,077	2	60	25	18	4,304
<b>Iowa—Sac and Fox</b> .....	.....	.....	.....	.....	.....	2	80	70	43	6,000
Kansas—Potawatomi .....	.....	.....	.....	.....	.....	1	35	20	19	3,089
<b>Michigan</b>										
Manistowick .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Scattered bands .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
<b>Minnesota</b>										
Consolidated Chippewa .....	.....	.....	.....	.....	.....	4	158	193	136	12,424
Copeland .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Red Lake .....	2	176	215	189	25,025	.....	.....	.....	.....	.....
Total .....	2	176	215	189	25,025	4	158	193	136	12,424
<b>Mississippi—Choctaw</b> .....	.....	.....	.....	.....	.....	5	170	127	76	16,650
<b>Montana</b>										
Blackfeet .....	1	144	158	139	36,872	1	30	33	27	2,167
Flathead .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Fort Belknap .....	1	90	107	68	690,487	1	40	34	20	.....
Fort Peck .....	1	120	163	130	36,237	.....	.....	.....	.....	.....
Rocky Boy .....	.....	.....	.....	.....	.....	1	60	63	40	3,266
Tongue River .....	1	76	127	109	.....	2	95	77	68	27,905
Total .....	4	430	555	476	103,616	5	295	207	164	32,934

<sup>a</sup> Combined figure for boarding and day schools, which cannot be shown separately.

<sup>b</sup> This figure includes cost of maintaining Lodge-Pole day school. Figures cannot be shown separately.

State and Agency	Mission schools			Public schools			Child- ren en- rolled in schools on state roll	Total child- ren en- rolled	Child- ren of school age	Child- ren eligible for school	Eligible child- ren not in school
	Num- ber	Ca- pac- ity	Total en- roll- ment	Aver- age at- ten- dence	Free pupils	Pay pupils	Total				
<b>Idaho</b>											
Coeur d'Alene .....	1	150	102	97	47	.....	47	177	188	177	.....
Fort Hall .....	1	25	25	25	a	24	27	259	263	311	52
Fort Lapwai .....	1	95	71	55	14	214	228	280	293	286	.....
Total .....	3	270	198	177	661	256	292	716	924	768	52
<b>Iowa—Sac and Fox</b>											
Kansas—Potawatomi .....	.....	.....	.....	.....	1	.....	1	100	114	109	9
Total .....	.....	.....	.....	.....	193	.....	193	345	510	345	.....
<b>Michigan</b>											
Maclacac .....	3	472	267	223	675	.....	675	186	a 337	281	95
Scattered bands .....	.....	.....	.....	.....	.....	.....	.....	220	.....	220	.....
Total .....	3	472	267	223	75	.....	75	406	.....	501	95 <sup>c</sup>
<b>Minnesota</b>											
Consolidated Chippewa .....	1	237	237	222	2,170	.....	2,170	3,128	3,246	3,246	118
Chippewas .....	.....	.....	.....	.....	85	65	85	98	95	95	.....
Red Lake .....	1	120	98	93	98	.....	98	399	432	415	16
Total .....	2	357	335	325	2,267	65	2,332	3,522	4,419	3,756	134
<b>Mississippi—Choctaw</b>											
.....	.....	.....	.....	.....	.....	.....	.....	142	504	317	175
<b>Montana</b>											
Blackfeet .....	1	110	103	91	107	528	465	822	981	933	111
Crow .....	4	120	168	71	.....	283	483	480	593	593	.....
Flathead .....	1	170	150	125	.....	413	413	681	793	653	18
Fort Belknap .....	1	180	144	108	.....	43	43	351	368	351	.....
Fort Park .....	2	105	74	57	63	358	421	623	683	623	.....
Rocky Park .....	.....	.....	.....	.....	6	.....	6	101	118	101	.....
Tongue River .....	1	60	56	54	.....	63	63	311	358	344	33
Total .....	10	685	609	528	2,538	1,160	1,688	3,339	3,801	3,504	105

<sup>a</sup> Figures as given in reports; note that total number of pupils is less than pay pupils.

<sup>b</sup> Figures do not add to total; see preceding note.

<sup>c</sup> Estimated.

<sup>d</sup> Unknown.



TABLE 6.  
RESERVATION SCHOOLS AND GENERAL DATA ON EDUCATION, FISCAL YEAR 1926—Continued

State and Agency	Government reservation schools					
	Boarding schools			Day schools		
	Number	Capacity	Total enrollment	Average attendance	Cost of operation	
Nebbraska—Winnebago .....	.....	.....	.....	.....	.....	.....
Nevada .....	.....	.....	.....	.....	.....	.....
Carson .....	.....	.....	.....	.....	.....	8,755
Mesa River .....	.....	.....	.....	.....	.....	.....
Walker River .....	.....	.....	.....	.....	.....	10,214
Western Shoshone .....	.....	.....	.....	.....	.....	9,310
Total .....	.....	.....	.....	.....	.....	28,279
New Mexico .....	.....	.....	.....	.....	.....	.....
Jicarilla .....	.....	.....	.....	.....	.....	.....
Mescalero .....	.....	.....	.....	.....	.....	35,809
Northern Pueblo .....	.....	.....	.....	.....	.....	2,990
Pueblo Bonito .....	.....	.....	.....	.....	.....	.....
San Juan .....	.....	.....	.....	.....	.....	39,810
Southern Pueblo .....	.....	.....	.....	.....	.....	30,078
Zuni .....	.....	.....	.....	.....	.....	.....
Total .....	.....	.....	.....	.....	.....	107,796
North Carolina—Cherokee .....	.....	.....	.....	.....	.....	3,750
North Dakota .....	.....	.....	.....	.....	.....	.....
Fort Berthold .....	.....	.....	.....	.....	.....	4,555
Fort Totten .....	.....	.....	.....	.....	.....	.....
Sitting Rock .....	.....	.....	.....	.....	.....	44,328
Turtle Mountain .....	.....	.....	.....	.....	.....	2,445
Total .....	.....	.....	.....	.....	.....	51,328

a Combined figure for boarding and day schools, which cannot be shown separately.

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State and Agency	Mission schools			Public schools				Chil- dren en- rolled in schools outside reser- vation	Total chil- dren en- rolled	Chil- dren of school age	Chil- dren eligible for school	Eligible chil- dren not in school
	Num- ber	Ca- pa- city	Total en- rol- ment	Ave- age at- ten- dance	Free pupils	Pay pupils	Total					
Nebraska—Winnebago .....	2	125	127	111	a	a <sup>145</sup>	a <sup>130</sup>	139	396	445	426	30
Nevada .....												
Carson .....					18	484	452	268	745	884	757	12
Moapa River .....					1	6	7	31	38	39	38	.....
Walker River .....					a	a <sup>61</sup>	a <sup>54</sup>	74	197	217	207	10
Western Shoshone .....					38	.....	38	67	207	235	207	.....
Total .....					b <sup>57</sup>	b <sup>501</sup>	b <sup>551</sup>	466	1,187	1,375	1,209	22
New Mexico .....												
Jicarilla .....	1	60	52	49	.....	.....	.....	3	55	165	55	.....
Mescalero .....					2	.....	2	15	168	174	168	.....
Northern Pueblo .....	1	300	297	214	2	.....	.....	241	827	905	827	.....
Pueblo Bonito .....	3	246	228	203	.....	.....	.....	103	747	900	820	73
San Juan .....	1	30	51	43	2	9	11	53	1,089	1,547	1,481	392
Southern Pueblo .....	2	275	115	103	50	.....	50	503	1,395	1,593	1,450	55
Zuni .....	2	230	169	173	.....	.....	.....	66	531	562	531	.....
Total .....	10	1,141	932	785	54	9	63	1,346	4,812	5,816	5,332	520
North Carolina—Cherokee .....					30	.....	30	37	515	578	573	58
North Dakota .....												
Fort Berthold .....	2	74	77	62	35	.....	35	216	370	407	370	.....
Fort Totten .....					20	4	30	19	101	271	301	.....
Standing Rock .....	2	115	63	59	127	283	410	104	886	1,033	961	21
Turtle Mountain .....					96	475	571	323	959	1,415	1,186	251
Total .....	4	169	140	121	284	762	1,046	667	2,370	3,156	2,642	272

a Figures as given in reports; note that total number of pupils is less than pay pupils.

b Figures do not add to total; see preceding note.

c 300 additional live off reservation.



State and Agency	Mission schools			Public schools			Chil- dren en- rolled in schools outside reser- vation	Total chil- dren en- rolled	Chil- dren of school age	Chil- dren eligible for school	Eligible chil- dren not in school
	Num- ber	Ca- pa- city	Total en- roll- ment	Aver- age at- ten- dence	Free pupils	Pay pupils					
Oklahoma											
Cantonment	.....	.....	.....	.....	14	64	78	1,680	184	166	16
Cherokee and Arapahoe	.....	.....	.....	.....	30	67	97	1,380	389	245	.....
Cherokee	.....	.....	.....	.....	100	803	903	10,157	1,614	1,483	.....
Osage	.....	.....	.....	.....	884	.....	.....	862	929	862	.....
Pawnee	.....	75	.....	.....	23	16	24	3,202	254	242	.....
Ponca	.....	.....	.....	.....	21	160	174	3,556	403	382	.....
Quapaw	.....	60	.....	.....	384	304	304	.....	550	542	.....
Sage	.....	.....	.....	.....	.....	.....	.....	.....	209	200	.....
Shawnee	.....	.....	.....	.....	171	247	418	3,107	643	626	.....
Five Tribes	.....	150	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cherokee Nation	.....	.....	.....	.....	.....	10,416	10,416	.....	12,997	12,857	1,561
Chickasaw Nation	.....	.....	.....	.....	.....	2,381	2,381	.....	3,066	2,883	120
Choctaw Nation	.....	.....	.....	.....	.....	3,597	3,597	.....	4,954	4,678	97
Creek Nation	.....	.....	.....	.....	.....	3,723	3,723	.....	4,782	4,623	745
Seminole Nation	.....	.....	.....	.....	.....	.....	.....	.....	383	347	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	31,317	30,111	2,618
Oregon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clatsop	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Salmon	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Siletz	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Umatilla	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Warm Springs	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
South Dakota	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Black Hills	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Crow Creek	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Flandreau	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pine Ridge	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Rosebud	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sisseton	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Yankton	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

a Figures as given in reports; note that total number of pupils is less than pay pupils.

b Includes Murray State School of Agriculture and Old Goodland Academy.

c Figures do not add to total; see note a.

TABLE 6.  
RESERVATION SCHOOLS AND GENERAL DATA ON EDUCATION, FISCAL YEAR 1926—Continued

State and Agency	Government reservation schools									
	Boarding schools					Day schools				
	Number	Capacity	Total enrollment	Average attendance	Cost of operation	Number	Capacity	Total enrollment	Average attendance	Cost of operation
Utah	1	125	131	118	30,453	.....	.....	.....	.....	.....
Utah and Ouray	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Scattered bands	1	125	131	118	30,453	.....	.....	.....	.....	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Washington	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Calville	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nesh Bay	.....	.....	.....	.....	.....	1	25	10	9	673
Taholah	.....	.....	.....	.....	.....	2	100	90	66	7,156
Tulalip	1	200	250	194	53,839	.....	.....	.....	.....	.....
Yakima	.....	.....	.....	.....	.....	1	24	21	17	.....
Total	1	200	250	194	53,839	4	149	121	92	7,829
Wisconsin	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Grand Rapids	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hayward	1	139	186	165	.....	.....	.....	.....	.....	.....
Keshena	1	140	136	130	495,126	.....	.....	.....	.....	.....
Lac du Flambeau	1	160	167	178	38,735	1	60	13	12	1,600
Loma	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
La Pointe	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	3	450	599	473	133,862	1	60	13	12	1,600
Wyoming—Shoshone	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York	1	114	89	76	26,478	.....	.....	.....	.....	.....
Florida	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

<sup>a</sup> Combined figure for boarding and day schools, which cannot be shown separately.  
<sup>b</sup> Estimated; figures for boarding and day schools at Keshena not reported separately.

State and Agency	Mission schools			Public schools			Chil- dren en- rolled in schools outside rester- vation	Total chil- dren en- rolled	Chil- dren of school age	Chil- dren eligible for school	Eligible chil- dren not in school
	Num- ber	Ca- pacity	Total en- roll- ment	Aver- age at- ten- dance	Free pupils	Pay pupils	Total	Cost			
Utah											
Uintah and Ouray	.....	.....	.....	.....	80	.....	80	.....	301	239	.....
Scattered bands	.....	.....	.....	.....	17	.....	17	.....	82	76	.....
Total	.....	.....	.....	.....	87	.....	87	.....	383	317	.....
Washington											
Colville (Spokane)	1	65	48	48	351	439	790	13,427	1,113	982	40
Neah Bay	.....	.....	.....	.....	4	.....	4	.....	109	105	1
Taholah	.....	.....	.....	.....	100	76	176	2,573	104	226	.....
Tulalip	1	120	118	81	5	229	176	7,762	270	396	.....
Yakima	.....	.....	.....	.....	53	437	490	10,933	366	612	.....
Total	.....	.....	.....	.....	159	1,161	1,320	43,605	2,835	2,321	41
Wisconsin											
Grand Rapids	.....	.....	.....	.....	70	23	93	340	383	350	.....
Hayward	.....	.....	.....	.....	.....	157	153	4,038	277	263	.....
Keshena	2	370	352	368	.....	7	7	1,751	502	534	.....
Lac du Flambeau	.....	.....	.....	.....	47	.....	47	.....	201	162	32
Laona	.....	.....	.....	.....	21	.....	21	.....	150	133	.....
La Pointe	4	452	154	150	75	.....	75	.....	496	279	.....
Total	.....	.....	.....	.....	213	187	376	6,738	2,009	1,751	32
Wyoming-Shoshone											
New York	3	230	209	176	80	.....	80	.....	511	480	48
Florida	.....	.....	.....	.....	.....	.....	.....	.....	1,600	1,600	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	1,521	1,521	152

<sup>a</sup> Figures do not add to total; see following note.

<sup>b</sup> Figures as given in reports; note that total number of pupils is less than pay pupils.

**Contract Mission Schools.** Figures on the number of contract mission schools, the average attendance and the cost are given in Table 7, taken in part from the Commissioner's annual report for 1926 and in part from the records of the Indian Office. The cost does not take account of any expenses of these institutions beyond the amount paid by the Indian Service.

TABLE 7  
CONTRACT MISSION SCHOOLS, FISCAL YEAR 1926

State and school	Average attendance	Cost
Minnesota		
St. Benedict's Orphan School .....	232	\$13,750.00
St. Mary's Mission .....	93	15,000.00
Montana		
St. Labre's Mission .....	54	6,875.00
Oklahoma		
St. Louis Mission .....	13	2,487.99
St. Mary's Mission .....	64	1,000.00
St. Elizabeth's Boarding School .....	28	4,712.53
St. Agnes' Academy .....	85	9,900.96
St. Joseph's Boarding School .....	26	3,072.83
St. Agnes Mission .....	53	7,500.00
Oklahoma Presbyterian College for Girls ..	45	5,381.62
Old Goodland Indian Industrial School ....	156	17,370.26
Murray State School of Agriculture *.....	66	8,061.00
South Dakota		
Holy Rosary Mission .....	274	43,875.00
Immaculate Conception Mission .....	38	7,250.00
St. Francis Mission .....	438	47,800.00
Wisconsin		
St. Joseph's Industrial School .....	214	27,267.23
Wyoming		
St. Michael's Mission .....	62	8,412.47

\* State Institution, not a mission school.

**Nonreservation Schools.** Data on nonreservation schools, taken from the hearings on the Interior Department appropriation bill for 1928, the Commissioner's annual report for 1926, and the records of the Indian Office are given in Tables 8 and 9. Table 8 gives figures on capacity, enrollment, average attendance, and finances. All of these schools were appropriated for separately, the

figures given in the table being for operation and ordinary maintenance. Additions, alterations, and repairs are appropriated separately, and naturally vary somewhat from year to year. The value of products includes both farm and shop products, the greater part being from the farms attached to the schools. Some of the products are used in the schools and some are sold, the proceeds being available for the expenditure by the school. The figures given in the table show the total value of all products, regardless of whether they are sold or used, as the appropriation is supplemented to that extent. Tuition is collected for children of patent-in-fee Indians, and is available for expenditure for school purposes.

TABLE 8  
NONRESERVATION SCHOOLS, FISCAL YEAR 1926

School	Capacity	Total enrollment	Average attendance	Finances		
				Expenses of operation	Value of products	Tuition collected
Albuquerque .....	800	838	802	\$192,844.60	\$25,065	.....
Bismarck .....	115	124	122	33,973.86	3,557	.....
Carson .....	425	476	453	106,637.67	14,498	.....
Chilocco .....	800	1,009	720	168,714.50	42,562	280
Flandreau .....	375	475	437	91,642.08	.....	.....
Genoa .....	500	512	471	121,663.48	5,755	800
Haskell Institute ....	850	966	863	238,190.13	29,681	6,636
Mount Pleasant .....	350	453	352	89,376.95	8,740	.....
Phoenix .....	850	916	885	199,659.04	34,582	.....
Pierre .....	275	313	292	72,375.00	1,063	.....
Pipestone .....	250	274	267	72,000.96	13,933	.....
Rapid City .....	315	347	321	74,796.17	4,782	.....
Salem .....	850	977	864	195,890.89	24,350	800
Santa Fe .....	450	505	473	108,681.49	5,225	.....
Sherman Institute ...	900	1,053	960	215,621.82	32,831	.....
Theodore Roosevelt ..	450	480	392	114,653.55	3,040	.....
Tomah .....	325	360	332	80,553.26	8,781	.....
Wahpeton .....	220	241	227	57,831.24	2,000	.....

Table 9 gives figures on the size and value of the plant of the nonreservation schools. No information is available regarding the method of arriving at the valuations.





## APPENDIX 2

### OUTLINE OF ORGANIZATION

#### EXPLANATORY NOTE

The purpose of the Outlines of Organization in this series of Monographs is to show in detail the organization and personnel of the several services of the national government to which they relate. They have been prepared in accordance with the plan followed by the President's Commission on Economy and Efficiency in its outlines of the organization of the United States government.<sup>1</sup>

In most of the other monographs published by the Institute the outlines differ from those in the Commission's report by reason of the fact that the Commission showed only organization units, while the monographs have in most cases been carried far enough to show the personnel embraced in each organization unit. On account of the large number of field units in the Indian Service and the great variety of positions, it was deemed inadvisable to show the organization in such detail. For the Washington Office there is shown the complete personnel and salaries of employees in each unit, but for the field service, only the total number of employees attached to each unit, if the information was readily available; the number of employees shown includes only those permanently engaged in the work. There are not included laborers or others who may be employed for short periods from time to time; this number varies considerably, particularly when construction work of various kinds is undertaken.

These outlines are of value not merely as an effective means of making known the organization of the several services. If kept revised to date by the services, they constitute exceedingly important tools of administration. They permit the directing personnel to see at a glance the organization and personnel at their disposition.

<sup>1</sup> 62 Cong., H. doc. 458, 1912, 2 vols.

They establish definitely the line of administrative authority and enable each employee to know his place in the system. They furnish the essential basis for making plans for determining costs by organization division and subdivision. They afford the data for a consideration of the problem of classifying and standardizing personnel and compensation. Collectively, they make it possible to determine the number and location of organization divisions of any particular kind, as, for example, laboratories, libraries, blue print rooms, or any other kind of plant possessed by the national government, to what services they are attached and where they are located, or to determine what services are maintaining stations at any city or point in the United States. The Institute hopes that upon the completion of the present series it will be able to prepare a complete classified statement of the technical and other facilities at the disposal of the government. The present monographs will then furnish the details regarding the organization, equipment, and work of the institutions so listed and classified.

The field units are arranged alphabetically by states, with the agencies in alphabetical order under state.

The distance of each unit from the nearest railroad station or steamboat landing is indicated if not adjacent to the station or landing; the distance of subordinate units from the agency headquarters is also shown if this information is available. As such distances are often great, they have considerable administrative bearing on the control of personnel and the handling of supplies. Although the use of telephone lines and automobiles has somewhat reduced the significance of distance, it still remains a factor to be taken into account. Where only distances by railroad are given, the distance by road is generally approximately the same. Where only distances by road are given, there is usually no railroad transportation or the route by railroad is so indirect that it is not practicable generally to use this method of transportation.

As the organization outline is given by administrative units, it does not show fully the distances over which the superintendent must travel occasionally to discharge his duties. On some reservations the Indians are scattered over wide areas and there are no subordinate units in their vicinity.

The noncontract mission schools have been included in the outline, because the local officers have certain administrative duties in connection with these institutions, although no government employees are engaged in their operation.

A complete outline of the organization of an agency is shown below:

1. Superintendent in Charge
  1. Immediate Office of Superintendent
  2. Office of Chief Clerk
    1. Clerk in charge of office work
      1. General clerks
      2. Stenographers
      3. Lease clerks
      4. Property clerks
      5. Interpreters
    2. Foremen in charge of plant
      1. Construction foreman
      2. Carpenters
      3. Engineer
      4. Blacksmiths
      5. Laborers
    3. Chief of police
      1. Policemen
      2. Special officers
    4. Court of Indian Offenses
  3. Principal of boarding school
    1. Chief Clerk
    2. Clerks
    3. Stenographers
    4. Principal teachers
    5. Teachers
    6. Domestic science teachers
    7. Band and orchestra instructors
    8. Disciplinarians
    9. Matrons
    10. Seamstresses
    11. Laundresses
    12. Cooks
    13. Bakers
    14. General mechanics
    15. Engineers
    16. Carpenters
    17. Blacksmiths
    18. Shoe and harness makers
    19. Farmers
    20. Stockmen
    21. Nurserymen
    22. Gardeners
    23. Dairyman

1. Superintendent—*Continued*
3. Principal of boarding school—*Continued*
24. Laborers
25. Housekeepers
26. Weavers
27. Assistants
4. Day school inspectors
5. Teachers of day schools
6. Public schools
7. Mission schools
8. Full time physician in charge
1. Hospital
1. Dentists
2. Nurses
3. Matrons
4. Cooks
5. Laundresses
6. Seamstresses
7. Engineers
8. Assistants
9. Laborers
2. Field matrons
3. Field nurses
9. Contract physician
10. Farmers
11. Supervisor of livestock
1. Stockmen
2. Line riders
12. Millers
13. Shoe and harness makers
14. Deputy supervisor of forests
1. Forest assistants
2. Engineers and sawyers
3. Cruisers
4. Forest rangers
5. Forest guards
6. Timber clerks
7. Scalers
15. Supervisors in charge of operation of irrigation work<sup>\*</sup>
1. Supervisor of ditches
2. Ditch riders
3. Gate tenders
4. Stationary engineers
16. Allotting agents
17. Supervisor in charge of oil and gas development
1. Supervisors
2. Well drillers
3. Oil gaugers
4. Oil well pluggers
5. Draftsmen

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<sup>\*</sup> Construction of irrigation works is under the Supervising Irrigation Engineers. See page 281.

The above outline shows the widest possible extent of the organization, but it does not apply to any one agency, as the work at some agencies does not require all the units. At some of the smaller agencies all the work is handled in the immediate office of the agent or superintendent; but the larger reservations have many of the subordinate units. On many reservations there is considerable overlapping of some of these positions, as the housekeeping staff of the boarding school may do the same work for the hospital, which perhaps is in the same building. Likewise, the engineer may be in charge of all the mechanical equipment and also give instruction in the boarding school. In the detailed outline of organization of agencies and reservations on the following pages, the following units are shown if they exist:

1. Agency headquarters
2. Indian police
3. Court of Indian Offenses
4. Forestry units
5. Subagencies
6. Issue stations
7. Farmers stations
8. Field matrons stations
9. Hospitals
10. Reservation boarding schools
11. Day schools
12. Mission schools

Public schools are not shown in the outline of organization, but the extent to which public schools are used on each reservation is shown in the table on page 321. If farmers or field matrons are attached directly to agency headquarters they are not shown separately. The number of employees shown for agency headquarters, therefore, does not indicate office force, but shows the entire staff attached directly to the office of the agency or superintendent in charge. The police are generally shown as attached to agency headquarters, although often they are on duty at subagencies or issue stations. Hospitals attached to agencies are given under both the Medical Division and the agency organization, as the Medical Division directs the professional work, and the superintendents in charge of agencies have certain administrative duties in connection with the hospitals at the schools and agencies. This duplication extends to the number of employees as well as the units. As the field employees are given by groups, it has not been possible to indicate salaries.

## THE OFFICE OF INDIAN AFFAIRS

## OUTLINE OF ORGANIZATION

## OFFICE OF INDIAN AFFAIRS

## DEPARTMENT OF THE INTERIOR

<i>Organisation Units; Classes of Employees</i>	<i>Number</i>	<i>Annual Salary</i>
<b>I. Office of Commissioner of Indian Affairs</b>		
<b>1. Immediate Office of the Commissioner of Indian Affairs</b>		
Commissioner of Indian Affairs	1	\$7,000
Assistant Commissioner of Indian Affairs	1	5,200
Attorney	1	4,000
Private Secretary	1	2,600
Stenographer	1	1,860
Clerk	1	2,400
<b>2. Chief Clerk's Office</b>		
<b>1. Immediate Office of the Chief Clerk</b>		
Chief Clerk	1	3,400
Statistical Clerk	1	2,700
Clerk	1	1,980
Senior Library Assistant	1	1,920
Clerk	1	1,140
Messenger	1	1,140
Assistant Messenger	2	1,080
	3	900
<b>2. Mails and Files Division</b>		
Chief of Division	1	2,200
Assistant Chief of Division	1	1,920
Clerk	1	1,740
	2	1,620
	7	1,560
	1	1,440
	1	1,500
Typist	2	1,500
<b>3. Stenographic Section</b>		
Chief of Section	1	2,100
Assistant Chief of Section	1	1,740
Stenographer	3	1,680
	2	1,620
	2	1,500
	2	1,440
	1	1,380
<b>Finance Division</b>		
<b>1. Immediate Office of Chief of Division</b>		
Chief of Division	1	3,100
Assistant Chief of Division	1	2,800
<b>2. Bookkeeping Section</b>		
Chief of Section	1	2,600
Clerk	2	2,200
	1	2,100
	1	1,920

# OUTLINE OF ORGANIZATION

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## Office of Commissioner of Indian Affairs—*Continued*

### 3. Finance Division—*Continued*

#### 2. Bookkeeping Section—*Continued*

Clerk	2	1,860
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	1	1,740
--	---	-------

	1	1,680
--	---	-------

	3	1,500
--	---	-------

Typist	1	1,500
--------	---	-------

Clerk-Stenographer	1	1,560
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#### Accounts Section

Chief of Section	1	2,700
------------------	---	-------

Clerk	1	2,200
-------	---	-------

	1	2,100
--	---	-------

	1	1,920
--	---	-------

	2	1,860
--	---	-------

	1	1,740
--	---	-------

	4	1,680
--	---	-------

	3	1,560
--	---	-------

	1	1,500
--	---	-------

	1	1,320
--	---	-------

Typist

#### 4. Field Force—Traveling Auditor

3

### 4. Purchase Division

#### 1. Immediate Office of Chief of Division

Chief of Division	1	3,100
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Assistant Chief of Division	1	2,800
-----------------------------	---	-------

Stenographer	1	1,680
--------------	---	-------

#### 2. Supplies Section

Chief of Section	1	2,700
------------------	---	-------

Inspector of Clothing and Textiles	1	2,700
------------------------------------	---	-------

Clerk	2	2,200
-------	---	-------

	2	2,100
--	---	-------

	1	1,920
--	---	-------

	1	1,860
--	---	-------

	1	1,680
--	---	-------

Stenographer

#### 3. Contract Section

##### 1. Washington Office

Chief of Section	1	2,600
------------------	---	-------

Clerk	2	2,100
-------	---	-------

	1	2,000
--	---	-------

	2	1,860
--	---	-------

	1	1,500
--	---	-------

##### 2. Warehouse, Chicago, Illinois

##### 3. Warehouse, St. Louis, Missouri

##### 4. Warehouse, San Francisco, California

5. Inspection Division—Chief of Division	1	3,100
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### 6. Probate Division

#### 1. Washington Office

Chief of Division	1	3,100
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Assistant Chief of Division	1	2,400
-----------------------------	---	-------

Attorney	2	2,400
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Stenographer	1	1,740
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	1	1,680
--	---	-------



1. Office of Commissioner of Indian Affairs—*Continued*6. Probate Division—*Continued*

2. Field District No. 1 (Agencies: Kiowa, Seger, Cantonment, Cheyenne and Arapaho, Ponca, Quapaw, Shawnee, Pawnee, Oklahoma; Potawatomi, Kansas) 3
3. Field District No. 2 (Agencies: Klamath, Siletz, Warm Springs, Umatilla, Oregon; Taholah, Tulalip, Neah Bay, Yakima, Washington) 3
4. Field District No. 3 (Agencies: Crow, Fort Peck, Blackfeet, Tongue River, Fort Belknap, Montana; Fort Lapwai, Fort Hall, Cœur d'Alene, Idaho; Shoshone, Wyoming; Colville, Washington) 3
5. Field District No. 4 (Agencies: Lac du Flambeau, La Pointe, Tomah, Laona, Grand Rapids, Hayward, Wisconsin; Mount Pleasant, Mackinac, Michigan; Cheyenne River, Crow Creek, South Dakota) 3
6. Field District No. 5 (Agencies: Rosebud, Pine Ridge, South Dakota) 3
7. Field District No. 6 (Agencies: Leech Lake, White Earth, Cass Lake, Fond du Lac, Vermillion Lake, Grand Portage, Net Lake, Red Lake, Minnesota; Keshena, Wisconsin) 3
8. Field District No. 7 (Agencies: Walker River, Nevada; Sacramento, Hoopa Valley, California; Goshute, Utah) 3
9. Field District No. 8 (Agencies: Salt River, Colorado River, Pima, Sells, Fort Yuma, Arizona; Mission, California; Pueblo Bonito, Mescalero, New Mexico) 3
10. Field District No. 9 (Agencies: Fort Berthold, Turtle Mountain, Fort Totten, Standing Rock, North Dakota; Sisseton, Yankton, South Dakota; Sac and Fox Sanatorium, Iowa; Winnebago, Nebraska) 3
11. Field District No. 10 (Jicarilla Agency, New Mexico) 3

## 7. Land Division

1. Office of Chief of Division
 

Chief of Division	1	3,100
Assistant Chief of Division	1	2,800
Stenographer	1	1,680
2. Allotments Section
 

Chief of Section	1	2,600
Clerk	2	2,100
3. Sales Section
 

Chief of Section	1	2,500
Clerk	2	2,200
	2	1,860
	1	1,800
	2	1,560

# OUTLINE OF ORGANIZATION

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## Office of Commissioner of Indian Affairs—*Continued*

### 7. Land Division—*Continued*

#### 3. Sales Section—*Continued*

Senior Stenographer	1	1,800
4. Contracts Section		
Chief of Section	1	2,600
Clerk	2	2,200
Clerk-Stenographer	1	1,680
5. Oil and Gas Section		
Chief of Section	1	2,500
Clerk	1	2,200
	1	1,740
	1	1,680
6. Record Section		
Chief of Section	1	1,860
Clerk	1	1,560
	2	1,500

#### 7. Five Tribes Section

##### 1. Washington Office

Chief of Section	1	2,800
Attorney	1	2,400
Clerk-Stenographer	1	1,500

##### 2. Office of Superintendent of Five Civilized Tribes, Muskogee, Oklahoma

###### 1. Office proper of the Superintendent of the Five Civilized Tribes

2. Office of Field Clerk, Pryor
3. Office of Field Clerk, Tulsa
4. Office of Field Clerk, Okmulgee
5. Office of Field Clerk, Muskogee
6. Office of Field Clerk, Stillwell
7. Office of Field Clerk, McAlester
8. Office of Field Clerk, Holdenville
9. Office of Field Clerk, Ardmore
10. Office of Field Clerk, Durant
11. Office of Field Clerk, Idabel
12. Office of Field Clerk, Hugo

##### 3. Office of Supervising Probate Attorney, Mus- kogee

1. Office of Probate Attorney, Holdenville
2. Office of Probate Attorney, Ardmore
3. Office of Probate Attorney, Hugo
4. Office of Probate Attorney, Chickasha
5. Office of Probate Attorney, Vinita
6. Office of Probate Attorney, Durant

#### 8. Irrigation Division

##### 1. Washington Office

Chief of Division	1	3,100
Clerk	1	2,200
Engineer Draftsman	1	1,920
Stenographer	1	1,680

1 Office of Commissioner of Indian Affairs—*Continued*8. Irrigation Division—*Continued*

## 2. Field Service

## 1. Office of Chief Engineer, Washington

Chief Engineer I

Assistant Chief Engineer \* I

Field Cost Accountant I

1. Office of Supervising Engineer, District No. 1  
(Washington, Oregon, and northern  
Idaho), Yakima, Washington 691. Office of Project Engineer, Yakima Reser-  
vation, Washington2. Office of Project Engineer, Lummi Reser-  
vation, Washington3. Operation and maintenance of minor  
projects directly under Supervising En-  
gineer2. Office of Supervising Engineer, District No. 2  
(Nevada, Utah, and southern Idaho),  
Blackfoot, Idaho 771. Office of Project Engineer, Fort Hall  
Reservation, Idaho2. Office of Project Engineer, Uintah Reser-  
vation, Utah3. Office of Project Engineer, Walker River  
and Pyramid Lake Reservation, Nevada4. Operation and maintenance of minor  
projects directly under Supervising En-  
gineer3. Office of Supervising Engineer, District No. 3  
(Montana, Wyoming, and South Da-  
kota), Billings, Montana 1031. Office of Project Engineer, Crow Reser-  
vation, Montana2. Office of Project Engineer, Wind River  
Reservation, Wyoming3. Office of Project Engineer, Blackfeet  
Reservation, Montana4. Office of Project Engineer, Flathead  
Reservation, Montana5. Operation and maintenance of minor  
projects directly under Supervising En-  
gineer4. Office of Supervising Engineer, District No. 4  
(California and southern Arizona), Los  
Angeles, California 2761. Office of Project Engineer, Colorado  
River Reservation, Arizona2. Office of Project Engineer, Gila River  
Reservation, Arizona

\* Now in charge of construction of the Coolidge Dam.

1. Office of Commissioner of Indian Affairs— <i>Continued</i>		
8. Irrigation Division— <i>Continued</i>		
2. Field Service— <i>Continued</i>		
1. Office of Chief Engineer— <i>Continued</i>		
4. Office of Supervising Engineer, District No. 4— <i>Continued</i>		
3. Office of Project Engineer, San Carlos Reservation, Arizona		
4. Office of Engineer in Charge, operation and maintenance of minor projects		
5. Office of Supervising Engineer, District No. 5 (New Mexico, northern Arizona, and Colorado), Albuquerque, New Mexico	44	
1. Office of Project Engineer, Southern Ute Reservation, Colorado		
2. Operation and maintenance of minor projects directly under Supervising Engineer		
9. Forestry Division		
1. Washington Office		
Chief of Division	I	3,100
Engineer Draftsman	I	2,100
Stenographer	I	1,560
2. Field Service <sup>a</sup>		
Chief Supervisor of Forests	I	
Forest Valuation Engineer	I	
Supervisor of Forests	2	
Lumberman	I	
Forest Examiner	I	
Forest Engineer	I	
Logging Engineer	I	
Forest Topographer	I	
Wireman at Large	I	
Forest Assistant	I	
Senior Forest Ranger	I	
10. Medical Division		
1. Washington Office		
Chief of Division	I <sup>b</sup>	
Stenographer	I	1,560
Clerk	I	1,500
2. Office of Superintendent of Nurses		
3. Field Medical District No. 1 (Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin), headquarters, Minneapolis, Minnesota		
1. Sac and Fox Sanatorium, Iowa	<sup>c</sup> 22	
2. Mackinac Agency, Michigan—Contract Physician	I	
3. Mount Pleasant School, Michigan—Hospital	2	

<sup>a</sup> The local work in forestry is done by agency employees.

<sup>b</sup> Surgeon in Public Health Service, receiving pay of rank.

<sup>c</sup> The number of employees at the hospitals is also given again under the agency organization whenever the hospital is attached to the agency.

1. Office of Commissioner of Indian Affairs—*Continued*10. Medical Division—*Continued*3. Field Medical District No. 1—*Continued*

4. Consolidated Chippewa Agency—Minnesota	
1. Fond du Lac Subagency—Hospital	6
2. Leech Lake Subagency—Hospital	10
3. White Earth Subagency—Hospital	7
5. Pipestone School, Minnesota—Hospital	2
6. Red Lake Agency, Minnesota—Hospital	7
7. Fort Berthold Agency, North Dakota—Service Physician	1
8. Fort Totten Agency, North Dakota—Hospital	2
9. Standing Rock Agency, North Dakota—Hospital	8
10. Turtle Mountain Agency, North Dakota—Hospital	5
11. Wahpeton School, North Dakota—Hospital	2
12. Canton Insane Asylum, South Dakota	23
13. Cheyenne River Agency, South Dakota—Hospital	6
14. Crow Creek Agency, South Dakota—Hospital	5
15. Flandreau School, South Dakota—Hospital	2
16. Pierre School, South Dakota—Hospital	2
17. Pine Ridge Agency, South Dakota—Hospital	3
18. Rapid City School, South Dakota—Hospital	2
19. Rosebud Agency, South Dakota—Hospital	8
20. Sisseton Agency, South Dakota—Service Physician	1
21. Yankton Agency, South Dakota	
Service Physician	1
Contract Physician	1
22. Hayward Agency, Wisconsin—Hospital	1
23. Keshena Agency, Wisconsin—Hospital	4
24. Lac du Flambeau Agency, Wisconsin—Contract Physician	2
25. Tomah School, Wisconsin—Hospital	2
4. Field Medical District No. 2 (Northern California, Montana, Oregon, Utah, Washington, Wyoming), headquarters, Pendleton, Oregon	
1. Fort Bidwell Agency, California—Contract Physician	3
2. Hoopa Valley Agency, California—Hospital	6
3. Sacramento Agency, California—Contract Physician	3
4. Cœur d'Alene Agency, Idaho—Contract Physician	3
5. Fort Hall Agency, Idaho	
1. Agency Hospital	4
2. School Hospital	1
6. Fort Lapwai Agency, Idaho—Sanatorium	22
7. Blackfoot Agency, Montana—Hospital	8
8. Crow Agency, Montana—Hospital	7
9. Flathead Agency, Montana	
Service Physician	1
Contract Physician	1
10. Fort Belknap Agency, Montana—Hospital	3

1. Office of Commissioner of Indian Affairs—*Continued*
10. Medical Division—*Continued*
  4. Field Medical District No. 2—*Continued*
    11. Fort Peck Agency, Montana—Hospital 5
    12. Rocky Boy's Agency, Montana—Contract Physician 1
    13. Tongue River Agency, Montana—Hospital 5
    14. Klamath Agency, Oregon—Service Physician 1
    15. Salem School and Agency, Oregon—Hospital 4
    16. Umatilla Agency, Oregon—Contract Physician 1
    17. Warm Springs Agency, Oregon
      - Service Physician 1
      - Contract Physician 1
    18. Kaibab Agency, Utah—Service Physician 1
    19. Uintah and Ouray Agency, Utah—Hospital 5
    20. Colville Agency, Washington—Hospital 7
    21. Neah Bay Agency, Washington
      - Service Physician 1
      - Contract Physician 1
    22. Tulalip Agency, Washington—Hospital 2
    23. Yakima Agency, Washington—Contract Physician 1
    24. Shoshone Agency, Wyoming—Hospital 3
  5. Field Medical District No. 3 (Arizona, Southern California, Colorado, Nevada, New Mexico), headquarters, Albuquerque, New Mexico
    1. Colorado River Agency, Arizona—Service Physician 1
    2. Fort Apache Agency, Arizona—Hospital 3
    3. Fort Mojave School, Arizona—Hospital 2
    4. Hopi Agency, Arizona—Hospital 6
    5. Leupp Agency, Arizona—Hospital 2
    6. Phoenix Sanatorium, Phoenix, Arizona 24
    7. Phoenix School, Arizona—Hospital 3
    8. Pima Agency, Arizona—Hospital 7
    9. Salt River Agency, Arizona—Contract Physician 1
    10. San Carlos Agency, Arizona—Hospital 1
    11. Sells Agency, Arizona—Hospital 6
    12. Southern Navajo Agency, Arizona
      1. School Hospital 6
      2. Navajo Sanatorium 4
    13. Theodore Roosevelt School, Arizona—Hospital 2
    14. Truxton Canyon Agency, Arizona—Hospital 1
    15. Western Navajo Agency, Arizona—Hospital 2
    16. Fort Yuma Agency, California—Hospital 2
    17. Mission Agency, California
      1. Hospital at Soboba Subagency 4
      2. Contract Physician 5
    18. Sherman Institute, Riverside, California—Hospital 3
    19. Consolidated Ute Agency, Colorado—Hospital 2

1. Office of Commissioner of Indian Affairs—*Continued*10. Medical Division—*Continued*5. Field Medical District No. 3—*Continued*

20. Carson Agency, Nevada	
1. School Hospital	7
2. Nevada Subagency Hospital	8
21. Carson Sanatorium, Nevada	6
22. Walker River Agency, Nevada	
1. Service Physician	1
2. Contract Physician	1
23. Western Shoshone Agency, Nevada—Hospital	2
24. Albuquerque School, New Mexico—Hospital	
25. Eastern Navajo Agency, New Mexico—Hospital	3
26. Jicarilla Agency New Mexico	
1. Agency Hospital	6
2. Sanatorium	18
27. Laguna Sanatorium, New Mexico	7
28. Mescalero Agency, New Mexico—Hospital	8
29. Northern Navajo Agency, New Mexico—Hospital	5
30. Northern Pueblo Agency, New Mexico	
1. Service Physician	1
2. Contract Physician	2
31. Santa Fe School, New Mexico—Hospital	2
32. Zuni Agency, New Mexico—Hospital	1
6. Field Medical District No. 4 (Kansas, Mississippi, Nebraska, North Carolina, and Oklahoma), headquarters, Shawnee, Oklahoma	
1. Haskell Institute, Lawrence, Kansas—Hospital	2
2. Genoa School, Nebraska—Hospital	2
3. Winnebago Agency, Nebraska—Hospital	11
4. Cherokee Agency, North Carolina—Hospital	2
5. Cantonment Agency, Oklahoma—Service Phy- sician	1
6. Cheyenne and Arapaho Agency, Oklahoma— Hospital	6
7. Chilocco School, Oklahoma—Hospital	2
8. Choctaw-Chickasaw Sanatorium, Oklahoma	16
9. Euchee Boarding School, Oklahoma—Hospital	1
10. Eufaula Boarding School, Oklahoma—Hospital	1
11. Kiowa Agency, Oklahoma—Hospital	12
12. Pawnee Agency, Oklahoma—Contract Physician	1
13. Ponca Agency, Oklahoma	
1. Service Physician	1
2. Contract Physician	1
14. Quapaw Agency, Oklahoma—Contract Physician	1
15. Sequoyah Orphan Training School, Oklahoma— Hospital	1
16. Shawnee Sanatorium, Oklahoma	12

1. Office of Commissioner of Indian Affairs— <i>Continued</i>		
II. Administrative Division		
1. Washington Office		
1. Office of Chief of Division <sup>a</sup>		
Chief of Division		3,100
Field Budget and Correspondence Reviewing Clerk	I	2,400
Clerk—Stenographer	I	1,560
2. Employees Section		
Chief of Section	I	2,600
Clerk	2	2,000
	I	1,860
	2	1,500
	I	1,740
Stenographer	I	1,620
3. Schools Section		
Chief of Section	I	2,600
Clerk	I	2,000
	I	2,200
	I	1,860
	I	1,500
	I	1,140
4. Construction Section		
Chief of Section	I	3,100
Engineer Draftsman	I	1,860
5. Industries Section		
Chief of Section	I	2,700
Assistant Chief of Section	I	2,600
Clerk	2	2,200
	2	2,100
	I	2,000
	I	1,920
	2	1,860
	2	1,800
	2	1,740
	I	1,680
Clerk—Stenographer	I	1,500
2. Office of General Superintendent of Indian Affairs		
1. Immediate Office of General Superintendent of Indian Affairs		
2. Office of Supervisor of Home Economics		
3. Office Supervisor of Indian Employment		
4. Office of District Superintendent No. 1 (Florida, Kansas, Mississippi, Nebraska, North Carolina and eastern Oklahoma), Lawrence, Kansas		
1. Haskell Institute, Lawrence, Kansas <sup>b</sup>	76	
2. Genoa School, Genoa, Nebraska <sup>b</sup>	41	
3. Chilocco School, Chilocco, Oklahoma <sup>b</sup>	63	

<sup>a</sup> The General Superintendent of Indian Affairs acts as chief of division when he is in Washington.

<sup>b</sup> Nonreservation boarding school.



1. Office of Commissioner of Indian Affairs—*Continued*11. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*4. Office of District Superintendent No. 1—*Cont'd*

## 4. Office of Supervisor of Schools, Five Civilized Tribes, Muskogee, Oklahoma

1. Sequoyah Orphan Training School, Tahlequah<sup>a</sup> 28
2. Bloomfield Seminary, Ardmore<sup>a</sup>
3. Euchee Boarding School, Sapulpa<sup>a</sup> 12
4. Eufaula Boarding School, Eufaula<sup>a</sup> 13
5. Jones Academy, Hartshorne<sup>a</sup>
6. Wheelock Academy, Millerton<sup>a</sup>
7. Mckuskey Academy, Seminole<sup>a</sup>
8. Old Goodland Indian Industrial School<sup>b</sup>
9. St. Agnes Academy, Antlers<sup>b</sup>
10. Murray State School of Agriculture,<sup>b</sup>  
Tishomingo
11. Oklahoma Presbyterian College for Girls,<sup>b</sup>  
Durant
12. St. Agnes Academy,<sup>b</sup> Ardmore
13. St. Elizabeth's Boarding School,<sup>b</sup> Purcell
14. St. Joseph's Boarding School,<sup>b</sup> Chickasha
5. Seminole Agency, Florida (Seminoles). Post  
office and railroad station, Dania 3
6. Potawatomi Agency, Kansas (Potawatomi,  
Kickapoo, Sac and Fox, and Iowa)
1. Agency Headquarters. Post office and  
railroad station, Mayetta 4
2. Indian Police 1
3. Kickapoo Day School No. 1. Post office,  
Horton; railroad station, Mercier. Dis-  
tances: From railroad, 6 miles; from  
agency, 33 miles by road or 22 miles by  
railroad and 6 miles by road 2
7. Choctaw Agency, Mississippi (Mississippi  
Choctaws)
1. Agency Headquarters. Post office and  
railroad station, Philadelphia 4
2. Standing Pine Day School. Post office  
and railroad station, Walnut Grove.  
Distances: From railroad, 8 miles;  
from agency, 25 miles by road or 38  
miles by railroad and 8 miles by road 2
3. Bokhomo (Bogue Homo) Day School.  
Post office, Heidelberg; railroad station,  
Sandersville. Distances: From railroad,  
5 miles; from agency, 90 miles by road  
or 94 miles by railroad and 5 miles by  
road 2

<sup>a</sup> Tribal school.<sup>b</sup> Contract school.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
4. Office of District Superintendent No. 1—*Cont'd*
7. Choctaw Agency, Mississippi—*Continued*
4. Pearl River Day School. Post office and railroad station, Philadelphia. Distance from railroad and agency, 8 miles 2
5. Tucker Day School. Post office and railroad station, Philadelphia. Distance from railroad and agency, 7 miles 2
6. Redwater Day School. Post office, Carthage; railroad station, Walnut Grove. Distances: From railroad, 14 miles; from agency, 35 miles by road, or 38 miles by railroad and 14 miles by road 2
8. Winnebago Agency, Nebraska (Winnebago and Omaha)
1. Agency Headquarters. Post office and railroad station, Winnebago. Distance from railroad, 1½ miles 11
2. Indian Police 2
3. Hospital, at Agency 11
4. Omaha Subagency. Post office, Macy; railroad station, Walthill. Distances: From railroad, 8 miles; from agency, 18 miles (8 miles by road and 10 miles by railroad) 2
5. St. Augustine Non-Contract Mission Boarding school (Catholic), Winnebago. Distance from agency, 1½ miles
6. Winnebago Non-Contract Mission Boarding School (Dutch Reformed), Winnebago. Distance from agency, ¼ mile
9. Cherokee Agency, North Carolina (Eastern Cherokees)
1. Agency Headquarters. Post office, Cherokee; railroad station, Elna. Distance from railroad, 5 miles 4
2. Indian Police 2
3. Cherokee Hospital, at Agency 2
4. Cherokee Reservation Boarding School, at Agency 30
5. Birdtown Day School. Post office, Cherokee; railroad station Elna. Distances: From railroad, 3½ miles; from agency, 3 miles by road 2
6. Big Cove Day School. Post office and railroad station, Ravensford. Distances: From railroad, 6 miles; from agency, 13 miles by road 2

\* The number of employees at hospitals attached to agencies is also given again under the organization of the Hospital Division.

1. Office of Commissioner of Indian Affairs—*Continued*
- II. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  4. Office of District Superintendent No. 1—*Cont'd*
    10. Osage Agency, Oklahoma (Osage)
      1. Agency Headquarters. Post office and railroad station, Pawhuska 85
      2. St. Louis' contract mission boarding school (Catholic), Osage. Distance from agency, 30 miles by railroad
  11. Quapaw Agency, Oklahoma (Wyandottes, Senecas, Eastern Shawnees, Ottawas, Quapaws)
    1. Agency Headquarters. Post office and railroad station, Miami 7
    2. Seneca Boarding School. Post office and railroad station, Wyandotte. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 14 miles by road or 16 miles by railroad 18
    3. St. Mary's Contract Mission Boarding School (Catholic), Baxter Springs, Kansas. Distance from agency, 9 miles by road or railroad
  5. Office of District Superintendent No. 2 (Iowa, Michigan, Minnesota, and Wisconsin), Minneapolis, Minnesota
    1. Mount Pleasant School, Mount Pleasant, Michigan <sup>a</sup> 41
    2. Pipestone School, Pipestone, Minnesota <sup>a</sup> 26
    3. Tomah School, Tomah, Wisconsin <sup>a</sup> 29
    4. Sac and Fox Agency, Iowa (Sac and Fox)
      1. Agency Headquarters. Post office and railroad station, Toledo. Distance from railroad, 1 mile <sup>b</sup> 22
      2. Indian Police 1
      3. Sac and Fox Sanatorium, at Agency <sup>c</sup>
      4. Fox Day School. Post office and railroad station, Tama. Distances: From railroad,  $3\frac{1}{2}$  miles; from agency,  $5\frac{1}{2}$  miles by road 2
      5. Mesquakie Day School. Post office and railroad station, Tama. Distances: From railroad,  $2\frac{1}{2}$  miles; from agency,  $4\frac{1}{2}$  miles by road 2
    5. Mackinac Agency, Michigan (Lac Vieux Desert Band of Chippewas)
      1. Agency Headquarters. Post office and railroad station, Baraga 3

<sup>a</sup> Nonreservation boarding school.

<sup>b</sup> Includes employees at sanitarium.

<sup>c</sup> Included in agency headquarters.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  5. Office of District Superintendent No. 2—*Cont'd*
  5. Mackinac Agency, Michigan—*Continued*
    2. Baraga (Holy Name) Non-Contract Mission Boarding and Day School (Catholic), Marquette. Distance from agency, 73 miles by road or 68 miles by railroad
    3. Harbor Springs (Holy Childhood) Non-Contract Mission Boarding School (Catholic), Harbor Springs. Distance from agency, 250 miles by road or 246 miles by railroad
    4. St. Joseph Non-Contract Mission Boarding and Day School (Catholic), Baraga. Distance from agency, 3 miles
  6. Consolidated Chippewa Agency, Minnesota (Fond du Lac; Grande Portage; Leech Lake Pillager; Leech, White Oak Point, Mississippi, Cass, Winnebagoish, Nett Lake, White Earth Mississippi, Removal Mille Lac, Otter Tail Pillager, Gull Lake Mississippi, Non removal Mille Lac Mississippi, Pembina, Removal Leech Lake Pillager, Removal White Oak Point Mississippi, Removal Fond du Lac Mississippi and Removal Cass and Winnebagoish Chippewas)
    1. Agency Headquarters. Post office and railroad station, Cass Lake 14
    2. Indian Police 1
    3. Beaulieu Subagency. Post office, Beaulieu; railroad station, Mahnomen. Distances: From railroad, 9 miles; from agency, 102 miles by railroad and 9 miles by road or 100 miles by road alone 1
    4. Fond du Lac Subagency. Post office and railroad station, Cloquet. Distances: From railroad, 1 mile; from agency, 128 miles by railroad or 150 miles by road 1
    5. Fond du Lac Hospital, at Fond du Lac Subagency 6
    6. Grande Portage Subagency. Post office, Grand Portage; steamboat landing, Grand Marais. Distances: From steamboat landing, 40 miles; from agency, 300 miles (123 miles by road and 177 miles by railroad) 1
    7. Grand Portage Day School, at Grand Portage Subagency 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
5. Office of District Superintendent No. 2—*Cont'd*
6. Consolidated Chippewa Agency, Minn.—*Cont'd*
8. Leech Lake Subagency. Post Office, Onigum; railroad station, Walker. Distances: From railroad, 2 miles by boat or 15 miles by road; from agency, 23 miles by railroad and boat, or 46 miles by road 2
9. Leech Lake Hospital, at Leech Lake Subagency 10
10. Mille Lac Day School. Post office and railroad station, Onamia. Distances: From railroad, 22 miles; from agency, 156 miles by railroad and 22 miles by road or 120 miles by road alone 2
11. Nett Lake Subagency. Post office and railroad station, Orr. Distances: From railroad, 20 miles; from agency, 155 miles by railroad and 20 miles by road or 150 miles by road alone
  1. Subagency Headquarters 3
  2. Forestry Unit 1
12. Nett Lake Day School, at Nett Lake Subagency 2
13. Pine Point Subagency. Post office, Ponsford; railroad station, Park Rapids. Distances: From railroad, 22 miles; from agency, 52 miles by railroad and 22 miles by road or 80 miles by road alone 2
14. Pine Point Day School, at Pine Point Subagency 3
15. White Earth Subagency. Post office, White Earth; railroad station, Ogema. Distances: From railroad, 4 miles; from agency, 117 miles by railroad and 4 miles by road or 100 miles by road alone 1
16. White Earth Hospital, at White Earth Subagency 7
17. Nay tah waush Subagency. Post office, Nay tah waush; railroad station, Mah-nomen. Distances: From railroad, 3 miles; from agency, 102 miles by railroad and 3 miles by road or 105 miles by road 1
18. St. Benedict's Contract Mission Boarding School (Catholic), at White Earth Subagency

- i. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
5. Office of District Superintendent No. 2—*Cont'd*
7. Red Lake Agency, Minnesota (Red Lake Chippewas)
  1. Agency Headquarters. Post office, Red Lake; railroad station, Redby. Distance from railroad, 5 miles 11
  2. Indian Police 5
  3. Court of Indian Offenses 1
  4. Forestry Unit 7
  5. Red Lake Hospital, at Agency 7
  6. Red Lake Reservation Boarding School, at Agency 13
  7. Cross Lake Reservation Boarding School. Post office, Ponemah; railroad station, Redby. Distances: From railroad, 30 miles; from agency, 35 miles by road 12
  8. St. Mary's Contract Mission Boarding School (Catholic), Red Lake. Distance from agency, one mile
8. Grand Rapids Agency, Wisconsin (Winnebago and Potawatomi)
  1. Agency Headquarters. Post office and railroad station, Wisconsin Rapids. Distance from railroad, 1 mile 3
  2. Farmer Station, Mauston. Distance from agency, 60 miles by railroad 1
9. Hayward Agency, Wisconsin (Lac Courte Oreille)
  1. Agency Headquarters. Post office and railroad station, Hayward. Distance from railroad, 1½ miles <sup>a</sup> 22
  2. Indian Police 1
  3. Hayward Reservation Boarding School, at Agency <sup>b</sup>
  4. Hayward Hospital, at Agency <sup>b</sup>
  5. Lac Courte Oreille Subagency. Post office and railroad station, Reserve. Distance from agency, 16 miles by road or 70 miles by railroad 3
10. Keshena Agency, Wisconsin (Menominee, Oneida, and Stockbridge)
  1. Agency Headquarters. Post office, Keshena; railroad station, Shawano. Distance from railroad, 8 miles 17
  2. Indian Police 3
  3. Court of Indian Offenses 2

<sup>a</sup> Includes school and hospital employees.

<sup>b</sup> Included in agency headquarters.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  5. Office of District Superintendent No. 2—*Cont'd*
  10. Keshena Agency, Wisconsin—*Continued*
    4. Keshena Hospital, at Agency 4
    5. Keshena Reservation Boarding School, at Agency 18
    6. Neopit Day School. Post office and railroad station, Neopit. Distance from railroad,  $\frac{1}{4}$  mile 1
    7. Menominee Indian Mills, at Neopit Day School 12
    8. St. Joseph's Contract Mission Boarding School (Catholic), at Agency
    9. St. Anthony's Non-Contract Mission Day School (Catholic), Neopit. Distance from agency, 13 miles by road
  11. La Pointe Agency, Wisconsin (Bad River and Red Cliff Chippewas)
    1. Agency Headquarters, Ashland 5
    2. Indian Police 1
    3. Red Cliff Non-Contract Mission Day School (Catholic), Bayfield. Distance from agency, 28 miles by road or 25 miles by railroad and 3 miles by road
    4. St. Mary's Non-Contract Mission Boarding School (Catholic), Odanah. Distance from agency, 10 miles by road
    5. Odanah Non-Contract Mission Day School (Catholic), Odanah. Distance from agency, 10 miles by road
    6. Bayfield Non-Contract Mission Boarding School (Catholic), Bayfield. Distance from agency, 28 miles by road or 25 miles by railroad and 3 miles by road
  12. Lac du Flambeau Agency, Wisconsin
    1. Agency Headquarters. Post office and railroad station, Lac du Flambeau. Distance from railroad, 3 miles 24
    2. Indian Police 2
    3. Court of Indian Offenses 1
    4. Forestry Unit 3
    5. Lac du Flambeau Reservation Boarding School, at Agency <sup>b</sup>
  6. Office of District Superintendent No. 3 (South Dakota), Pierre, South Dakota
    1. Flandreau School, Flandreau, South Dakota <sup>c</sup> 39
    2. Pierre School, Pierre, South Dakota <sup>c</sup> 29

<sup>a</sup> Includes also school.

<sup>b</sup> Included in agency headquarters.

<sup>c</sup> Nonreservation boarding school.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  6. Office of District Superintendent No. 3—*Cont'd*
  3. Rapid City School, Rapid City, South Dakota <sup>a</sup> 36
  4. Cheyenne River Agency, South Dakota (Sioux)
    1. Agency Headquarters. Post office, Cheyenne Agency; railroad station, Gettysburg. Distance from railroad, 20 miles 21
    2. Indian Police 12
    3. Court of Indian Offenses 2
    4. Cheyenne River Hospital, at Agency 6
    5. Cheyenne River Reservation Boarding School, at Agency 21
  6. White Horse Subagency. Post office, White Horse; railroad station, Timber Lake. Distances: From railroad, 18 miles; from agency, 45 miles by road 2
  7. Cherry Creek Subagency. Post office, Cherry Creek; railroad station, Dupree. Distances: From railroad, 35 miles; from agency, 125 miles (57 miles by road and 68 miles by railroad) 2
  8. Thunder Butte Subagency. Post office and railroad station, Dupree. Distances: from railroad, 15 miles; from agency, 95 miles (37 miles by road and 58 miles by railroad) 2
  5. Crow Creek Agency, South Dakota (Sioux)
    1. Agency Headquarters. Post office, Fort Thompson; railroad station, Chamberlain. Distance from railroad, 23 miles 9
    2. Indian Police 5
    3. Court of Indian Offenses 1
    4. Crow Creek Hospital, at Agency 5
    5. Lower Brule Subagency. Post office, Lower Brule; railroad station, Reliance. Distances: From railroad, 16 miles; from agency, 8 miles by road and ferry, or 62 miles if ferry is not available 5
    6. Big Bend Farm Station. Post office and railroad station, Harrold. Distances: From railroad, 31 miles; from agency, 45 miles by road 1
    7. Field Matron Station. Post office, Fort Thompson; railroad station, Chamberlain. Distances: From railroad, 17 miles; from agency, 14 miles by road 1

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<sup>a</sup> Nonreservation boarding school.



1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  6. Office of District Superintendent No. 3—*Cont'd*
    5. Crow Creek Agency, South Dakota—*Cont'd*
    8. Immaculate Conception Contract Mission Boarding School (Catholic), Stephan, South Dakota. Distance from agency, 16 miles by road
  6. Pine Ridge Agency, South Dakota (Oglala Sioux)
    1. Agency Headquarters. Post office, Pine Ridge; railroad station, Rushville, Nebraska. Distance from railroad, 26 miles 42
    2. Indian Police 17
    3. Court of Indian Offenses 4
    4. Medicine Root District Station. Post office, Kyle; railroad station, Interior. Distances: From railroad, 35 miles; from agency, 40 miles by road 2
    5. Pass Creek District Station. Post office, Allen; railroad station, Rushville, Nebraska. Distances: From railroad, 76 miles; from agency, 50 miles by road 2
    6. Porcupine District Station. Post office, Porcupine; railroad station, Rushville, Nebraska. Distances: From railroad, 52 miles; from agency, 27 miles by road 2
    7. Wakpamni District Station, at Agency 2
    8. White Clay District Station. Post office, Oglala; railroad station, Rushville, Nebraska. Distances: From railroad, 43 miles; from agency, 17 miles by road 2
    9. Wounded Knee District Station. Post office, Manderson; railroad station, Rushville, Nebraska. Distances: From railroad, 50 miles; from agency, 26 miles by road 2
    10. Eagle Nest District Station. Post office, Wanblee; railroad station, Kadoka. Distances: From railroad, 26 miles; from agency, 85 miles by road 2
    11. Pine Ridge Reservation Boarding School Hospital, at Agency 3
    12. Pine Ridge Reservation Boarding School, at Agency 33
    13. No. 5 Day School. Post office, Oglala; railroad station, Rushville, Nebraska. Distances: From railroad, 50 miles; from agency, 24 miles by road 2
    14. No. 6 Day School. Post office, Oglala; railroad station, Rushville, Nebraska. Distances: From railroad, 55 miles; from agency, 29 miles by road 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
6. Office of District Superintendent No. 3—*Cont'd*
6. Pine Ridge Agency, South Dakota—*Cont'd*
15. No. 7 Day School. Post office, Manderson; railroad station, Rushville, Nebraska. Distances: From railroad, 43 miles; from agency, 25 miles by road 2
16. No. 9 Day School. Post office, Manderson; railroad station, Rushville, Nebraska. Distances: From railroad, 53 miles; from agency, 27 miles by road 2
17. No. 10 Day School. Post office, Manderson; railroad station, Rushville, Nebraska. Distances: From railroad, 55 miles; from agency, 29 miles by road 2
18. No. 12 Day School. Post office, Manderson; railroad station, Rushville, Nebraska. Distances: From railroad, 65 miles; from agency, 39 miles by road 2
19. No. 15 Day School. Post office, Porcupine; railroad station, Rushville, Nebraska. Distances: From railroad, 56 miles; from agency, 30 miles by road 2
20. No. 16 Day School. Post office, Porcupine; railroad station, Rushville, Nebraska. Distances: From railroad, 50 miles; from agency, 25 miles by road 2
21. No. 17 Day School. Post office, Kyle, railroad station, Rushville, Nebraska. Distances: From railroad, 65 miles; from agency, 40 miles by road 2
22. No. 19 Day School. Post office, Kyle, railroad station, Rushville, Nebraska. Distances: From railroad, 63 miles; from agency, 38 miles by road 2
23. No. 20 Day School. Post office, Allen; railroad station, Merriman, Nebraska. Distances: From railroad, 37 miles; from agency, 40 miles by road 2
24. No. 21 Day School. Post office, Allen; railroad station, Merriman, Nebraska. Distances: From railroad, 33 miles; from agency, 45 miles by road 2
25. No. 22 Day School. Post office, Wanblee; railroad station, Kadoka. Distances: From railroad, 37 miles; from agency, 50 miles by road 2
26. No. 23 Day School. Post office and railroad station, Interior. Distances: From railroad, 15 miles; from agency, 55 miles by road 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  6. Office of District Superintendent No. 3—*Cont'd*
  6. Pine Ridge Agency, South Dakota—*Cont'd*
    27. No. 24 Day School. Post office, Wanblee; railroad station, Kadoka. Distances: From railroad, 30 miles; from agency, 85 miles by road 2
    28. No. 25 Day School. Post office, Oglala; railroad station, Rushville, Nebraska. Distances: From railroad, 39 miles; from agency, 14 miles by road 2
    29. No. 27 Day School. Post office, Pine Ridge; railroad station, Rushville, Nebraska. Distances: From railroad, 32 miles; from agency, 6 miles by road 2
    30. No. 28 Day School. Post office, Pine Ridge; railroad station, Rushville, Nebraska. Distances: From railroad, 34 miles; from agency, 8 miles by road 2
    31. No. 29 Day School. Post office, Kyle; railroad station, Interior. Distances: From railroad, 36 miles; from agency, 42 miles by road 2
    32. Holy Rosary Contract Mission Boarding School (Catholic), Pine Ridge. Distance from agency, 4 miles by road
  7. Rosebud Agency, South Dakota (Sioux)
    1. Agency Headquarters. Post office, Rosebud; railroad station, Crookston, Nebraska. Distance from railroad, 25 miles 36
    2. Indian Police 10
    3. Rosebud Hospital, at Agency 8
    4. Rosebud Reservation Boarding School. Post office, Mission; railroad station, Valentine, Nebraska. Distances: From railroad, 35 miles; from agency, 14 miles by road 25
    5. Blackpipe Issue Station. Post office, Norris; railroad station, Belvidere. Distances: From railroad, 35 miles; from agency, 28 miles by road 1
    6. Blackpipe Day School, at Blackpipe Issue Station 2
    7. Big White River Issue Station. Post office, Hamill; railroad station, Winner. Distances: From railroad, 28 miles; from agency, 80 miles by road 1
    8. Butte Creek Issue Station. Post office, Wood; railroad station, Wismer. Distances: From railroad, 38 miles; from agency, 32 miles by road 1

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  6. Office of District Superintendent No. 3—*Cont'd*
  7. Rosebud Agency, South Dakota—*Cont'd*
  9. Cut Meat Issue Station. Post office, Cut Meat; railroad station, Crookston, Nebraska. Distances: From railroad, 39 miles; from agency, 14 miles by road 1
  10. Cut Meat Day School, at Cut Meat Issue Station 2
  11. Little White River Issue Station. Post office, White River; railroad station, Murdo. Distances: From railroad, 35 miles; from agency, 30 miles by road 1
  12. Ponca Creek Issue Station. Post office, Herrick; railroad station, St. Charles. Distances: From railroad, 7 miles; from agency, 120 miles by road 1
  13. He Dog's Camp Day School. Post office, Parmelee; railroad station, Crookston, Nebraska. Distances: From railroad, 45 miles; from agency, 20 miles by road 2
  14. Little Crow Camp Day School. Post office, Carter; railroad station, Winner. Distances: From railroad, 25 miles; from agency, 36 miles by road 2
  15. Milk's Camp Day School. Post office, Herrick; railroad station, St. Charles. Distances: From railroad, 5 miles; from agency, 120 miles by road 2
  16. Oak Creek Day School. Post office, Okcreek; railroad station, Winner. Distances: From railroad, 30 miles; from agency, 28 miles by road 2
  17. Spring Creek Day School. Post office, St. Francis; railroad station, Kilgore, Nebraska. Distances: From railroad, 12 miles; from agency, 16 miles by road 2
  18. St. Francis Contract Mission Boarding School (Catholic), St. Francis. Distance from agency, 8 miles by road
  8. Sisseton Agency, South Dakota (Sisseton and Wahpeton Sioux)
    1. Agency Headquarters. Post office and railroad station, Sisseton 9
    2. Indian Police 1
  9. Yankton Agency, South Dakota (Yankton and Santee Sioux and Ponca)
    1. Agency Headquarters. Post office and railroad station, Wagner. Distance from railroad, 16 miles 11
    2. Indian Police 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
    6. Office of District Superintendent No. 3—*Cont'd*
      9. Yankton Agency, South Dakota—*Continued*
        3. Santee Subagency. Post office and railroad station, Niobrara, Nebraska. Distances: From railroad, 5 miles; from agency, 38 miles by road 1
        4. Niobrara Subagency. Post office and railroad station, Niobrara, Nebraska. 1
        5. Farmer's Station. Post office and railroad station, Lake Andes. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 22 miles by road 1
        6. Santee Non-Contract Mission Boarding and Day School (Congregational), Santee, Nebraska. Distance from agency, 35 miles by road
    7. Office of District Superintendent No. 4. (Montana, North Dakota and Wyoming), Browning, Montana
      1. Bismarck School, Bismarck, North Dakota <sup>a</sup> 15
      2. Wahpeton School, Wahpeton, North Dakota <sup>a</sup> 24
      3. Blackfeet Agency, Montana (Blackfeet)
        1. Agency Headquarters. Post office and railroad station, Browning. Distance from railroad, 2 miles 34
        2. Indian Police 6
        3. Court of Indian Offenses 2
        4. Forestry Unit 1
        5. Blackfeet Reservation Boarding School. Post office and railroad station, Browning. Distances: From railroad, 9 miles; from agency, 7 miles by road 16
        6. Blackfeet Hospital, at Reservation Boarding School 8
        7. Heart Butte Subagency. Post office and railroad station, Browning. Distances: From railroad, 35 miles; from agency, 37 miles by road b 6
        8. Heart Butte Day School, at Heart Butte Subagency b
        9. Piegan Subagency. Post office, Family; railroad station, Browning. Distances: From railroad, 20 miles; from agency, 22 miles by road 3
        10. Holy Family Non-Contract Mission Boarding School (Catholic), Family. Distance from agency, 16 miles by road

<sup>a</sup> Nonreservation boarding school.

<sup>b</sup> Heart Butte day school included in subagency.

# OUTLINE OF ORGANIZATION

361

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  7. Office of District Superintendent No. 4—*Cont'd*
  4. Crow Agency, Montana (Crow)
    1. Agency Headquarters. Post office and railroad station, Crow Agency 51
    2. Indian Police 4
    3. Court of Indian Offenses 2
    4. Crow Hospital, at Agency 7
    5. Pryor Subagency. Post office, Pryor; railroad station, Edgar. Distances: From railroad, 18 miles; from agency, 100 miles by railroad or 80 miles by road when good or 120 miles by road much of year 5
    6. Lodgegrass Subagency. Post office and railroad station, Lodgegrass. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 22 miles by road or railroad 5
    7. St. Xavier Subagency. Post office, St. Xavier; railroad station, Crow Agency. Distance from railroad and agency, 21 miles by road 5
    8. Big Horn Non-Contract Mission Day School (Baptist), St. Xavier. Distance from agency, 30 miles by road
    9. St. Ann's Non-Contract Mission Day School (Catholic), Lodgegrass. Distance from agency, 22 miles by railroad to Lodgegrass and 8 miles by road or 30 miles by road alone
    10. St. Mary's Non-Contract Mission Day School (Catholic), St. Xavier. Distance from agency, 22 miles by road
    11. St. Xavier Non-Contract Mission Day School (Catholic), St. Xavier. Distance from agency, 22 miles by road
  5. Flathead Agency, Montana (Flathead)
    1. Agency Headquarters. Post office and railroad station, Dixon 12
    2. Indian Police 5
    3. Court of Indian Offenses 2
    4. Forestry Unit 6
    5. Ronan Subagency. Post office and railroad station, Ronan. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 24 miles by road or 20 miles by railroad 2
    1. Mission Subagency. Post office, St. Ignatius; railroad station, Ravalli. Distances: From railroad, 5 miles; from agency, 14 miles by road 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
7. Office of District Superintendent No. 4—*Cont'd*
5. Flathead Agency, Montana—*Continued*
6. Jocko Subagency. Post office and railroad station, Arlee. Distances: From railroad, 4 miles; from agency, 23 miles by road or 19 miles by railroad and 4 miles by road I
7. Polson Subagency. Post office and railroad station, Polson. Distances: From railroad, 4 miles; from agency, 38 miles by road or 33 miles by railroad and 4 miles by road I
8. Hot Springs Subagency. Post office, Hot Springs; railroad stations, Plains and Perma. Distances: From railroad, 20 miles; from agency, 40 miles by road or 35 miles by railroad and 20 miles by road I
9. St. Ignatius Non-Contract Mission Boarding School (Catholic), St. Ignatius. Distance from agency, 14 miles by road or 9 miles by railroad and 5 miles by road
6. Fort Belknap Agency, Montana (Assiniboine; Gros Ventre)
1. Agency Headquarters. Post office and railroad station, Harlem. Distance from railroad, 4 miles II
2. Indian Police 3
3. Court of Indian Offenses I
4. Forestry Unit I
5. Fort Belknap Reservation Boarding School, at Agency 13
6. Fort Belknap Hospital, at Agency 3
7. Lodge Pole Subagency. Post office, Brookside; railroad station, Harlem. Distances: From railroad, 42 miles; from agency, 38 miles by road 2
8. Lodge Pole Day School, at Lodge Pole Subagency 2
9. Hays Subagency. Post office, Hays; railroad station, Harlem. Distances: From railroad, 36 miles; from agency, 32 miles by road 2
10. St. Paul's Non-Contract Mission Boarding School (Catholic), St. Pauls. Distance from agency, 38 miles by road
7. Fort Peck Agency, Montana (Yankton Sioux; Assiniboine)
1. Agency Headquarters. Post office and railroad station. Poular 15

1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
7. Office of District Superintendent No. 4— <i>Cont'd</i>	
7. Fort Peck Agency, Montana— <i>Continued</i>	
2. Indian Police	5
3. Court of Indian Offenses	2
4. Fort Peck Reservation Boarding School, at Agency	19
5. Fort Peck Hospital, at Agency	2
6. Drew Substation. Post office, Brockton; railroad station, Fort Kipp. Distances: From railroad, $\frac{1}{2}$ mile; from agency, $34\frac{1}{2}$ miles by railroad and $\frac{1}{2}$ mile by road	1
7. Frazer Subagency. Post office and rail- road station, Frazer. Distances: From railroad, $\frac{3}{4}$ mile; from agency, 40 miles ( $38\frac{1}{2}$ miles by railroad and $1\frac{1}{2}$ miles by road)	2
8. Wolf Point Subagency. Post office and railroad station, Wolf Point. Distances: From railroad, $1\frac{1}{2}$ miles; from agency, 21 miles by railroad and $1\frac{1}{2}$ miles by road	2
9. Wolf Point Non-Contract Mission Board- ing and Day School (Presbyterian), at Wolf Point Subagency	
8. Rocky Boy's Agency, Montana (Rocky Boy)	
1. Agency Headquarters. Post office, Rocky Boy; railroad station, Box Elder. Dis- tance from railroad, 14 miles	4
2. Indian Police	1
3. Court of Indian Offenses	1
4. Rocky Boy's Day School, at Agency	3
9. Tongue River Agency, Montana (Northern Cheyennes)	
1. Agency Headquarters. Post office, Lame Deer; railroad station, Forsyth. Dis- tance from railroad, 65 miles	14
2. Indian Police	5
3. Court of Indian Offenses	3
4. Tongue River Hospital, at Agency	5
5. Lame Deer Day School, at Agency	2
6. Tongue River Reservation Boarding School. Post office, Busby; railroad station, Crow Agency. Distances: From railroad, 32 miles; from agency, 22 miles by road	12
7. Birney Day School. Post office, Birney; railroad station, Sheridan, Wyoming. Distances: From railroad, 65 miles; from agency, 22 miles by road	3



- I. Office of Commissioner of Indian Affairs—*Continued*
- II. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  7. Office of District Superintendent No. 4—*Cont'd*
    9. Tongue River Agency, Montana—*Continued*
    8. St. Lahre's Contract Mission Day School (Catholic), Ashland, Montana. Distance from agency, 22 miles by road
    10. Fort Berthold Agency, North Dakota (Arikara, Gros Ventre; Mandan)
      1. Agency Headquarters. Post office, Elbowoods; railroad station, Garrison. Distance from railroad, 40 miles 18
      2. Indian Police 4
      3. Court of Indian Offenses 2
      4. No. 2 Independence Day School. Post office, Sig; railroad station, Garrison. Distances: From railroad, 40 miles; from agency, 17 miles by road 2
      5. Shell Creek Day School. Post office, Sig; railroad station, Van Hook. Distances: From railroad, 9 miles; from agency, 25 miles by road 2
      6. Fort Berthold Non-Contract Mission Boarding School (Protestant), Elbowoods, North Dakota. Distance from agency,  $\frac{1}{4}$  mile
      7. Sacred Heart Non-Contract Mission Boarding and Day School (Catholic), Elbowoods, North Dakota. Distance from agency,  $\frac{1}{4}$  mile
    11. Fort Totten Agency, North Dakota (Devils Lake Sioux)
      1. Agency Headquarters. Post office, Fort Totten; railroad station, Devils Lake. Distance from railroad, 16 miles 4
      2. Indian Police 2
      3. Fort Totten Reservation Boarding School, at Agency 32
      4. Fort Totten Hospital, at Agency 2
    12. Standing Rock Agency, North Dakota (Sioux)
      1. Agency Headquarters. Post office, Fort Yates; railroad station, Cannon Ball. Distance from railroad, 25 miles 17
      2. Indian Police 5
      3. Court of Indian Offenses 2
      4. Standing Rock Reservation Boarding School, at Agency 25
      5. Standing Rock Agency Hospital, at Agency 8
      6. Grand River Substation. Post office, Little Eagle; railroad station, McLaughlin. Distances: From railroad, 12 miles; from agency, 37 miles by road 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  7. Office of District Superintendent No. 4—*Cont'd*
  12. Standing Rock Agency, N. Dakota—*Cont'd*
    7. Bullhead Substation. Post office, Bullhead; railroad station, McLaughlin. Distances: From railroad, 15 miles; from agency, 40 miles by road 1
    8. Cannon Ball Substation. Post office and railroad station, Cannon Ball. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 25 miles by road 1
    9. Cannon Ball Day School, at Cannon Ball Substation 2
    10. Porcupine Substation. Post office and railroad station, Shields. Distances: From railroad, 1 mile; from agency, 27 miles by road 1
    11. Wapala Substation. Post office and railroad station, Wapala. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 42 miles by road 1
    12. Kenel Substation. Post office, Kenel; railroad station, McLaughlin. Distances: From railroad, 19 miles; from agency, 14 miles by road 1
    13. Little Oak Day School. Post office, Little Eagle; railroad station, McLaughlin. Distances: From railroad, 20 miles; from agency, 45 miles by road 2
    14. St. Elizabeth's Non-Contract Mission Boarding School (Episcopal), Wapala. Distance from agency, 44 miles by road
    15. Fort Yates Non-Contract Mission Day School (Catholic), Fort Yates
  13. Turtle Mountain Agency, North Dakota
    1. Agency Headquarters. Post office, Belcourt; railroad station, Rolla. Distance from railroad, 7 miles 9
    2. Indian Police 3
    3. Court of Indian Offenses 2
    4. Hospital, at Agency 5
    5. Day School No. 5. Post office and railroad station, Dunseith. Distances: From railroad, 2 miles; from agency, 18 miles by road 2
  14. Shoshone Agency, Wyoming (Arapahoes; Cheyenne)
    1. Agency Headquarters. Post office, Fort Washakie, Wyoming; railroad station, Lander. Distance from railroad, 18 miles 19
    2. Indian Police 4

1. Office of Commissioner of Indian Affairs—*Continued*11. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*7. Office of District Superintendent No. 4—*Cont'd*14. Shoshone Agency, Wyoming—*Continued*

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| 3. Court of Indian Offenses  | 2  |
| 4. Forestry Unit   | 1  |
| 5. Hospital, at Agency   | 3  |
| 6. Shoshone Reservation Boarding School, at Agency   | 14 |
| 7. Arapahoe Subissue Station. Post office and railroad station, Arapahoe. Distances: From railroad, 16 miles; from agency, 16 miles by railroad and 18 miles by road or 25 miles by road alone | 1  |
| 8. Farmer's Station. Post office, Burris; railroad station, Lander. Distances: From railroad, 60 miles; from agency, 42 miles by road  | 1  |
| 9. St. Michael's Contract Mission Boarding School (Episcopal), Ethete. Distance from agency, 6 miles   |    |
| 10. St. Stephens Contract Mission Boarding School (Catholic), St. Stephens. Distance from agency, 28 miles by railroad and 18 miles by road  |    |
| 11. Shoshone Mission Non-Contract Mission Boarding School (Episcopal), Wind River. Distance from agency, 2½ miles  |    |
| 8. Office of District Superintendent No. 5 (Idaho, Oregon and Washington), Fort Lapwai, Idaho  |    |
| 1. Cœur d'Alene Agency, Idaho and Washington (Cœur d'Alene, Kootenai, and Kalispel)  |    |
| 1. Agency Headquarters. Post office, Sorrento; railroad station, Tekoa, Washington. Distance from railroad, 10 miles   | 9  |
| 2. Indian Police   | 3  |
| 3. Court of Indian Offenses  | 1  |
| 4. Forestry Unit   | 2  |
| 5. Kootenai Day School. Post office and railroad station, Bonners Ferry, Idaho. Distances: From railroad, 3½ miles; from agency, 168 miles by road   | 2  |
| 6. Kalispel Day School. Post office and railroad station, Usk, Washington. Distances: From railroad, 3½ miles; from agency, 145 miles by road  | 2  |
| 7. Desmet Non-Contract Mission Boarding School (Catholic). Distance from agency, 32 miles by road  |    |

1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
8. Office of District Superintendent No. 5— <i>Cont'd</i>	
2. Fort Hall Agency, Idaho (Fort Hall)	
1. Agency Headquarters. Post office and railroad station, Fort Hall	16
2. Indian Police	2
3. Court of Indian Offenses	2
4. Fort Hall Reservation Boarding School. Post office and railroad station, Fort Hall. Distances: From railroad, 1 mile; from agency, 1 mile	19
5. Fort Hall School Hospital, at Boarding School	1
6. Fort Hall Agency Hospital, at Agency	4
7. Good Shepherd Non-Contract Mission Boarding School (Episcopal), Fort Hall. Distance from agency, $\frac{1}{2}$ mile	
3. Fort Lapwai Agency, Idaho, (Nez Percé)	
1. Agency Headquarters. Post office, Lapwai; railroad station, Fort Lapwai. Distance from railroad, 1 mile	8
2. Indian Police	1
3. Forestry Unit	1
4. Fort Lapwai Sanatorium, at Agency	22
5. St. Joseph's Non-Contract Mission Boarding School (Catholic), Culesac, Idaho. Distance from agency, 12 miles; (7 miles by railroad and 5 miles by road)	
4. Klamath Agency, Oregon (Klamath, Modoc, Paiute, Pit River, Shasta, Mixed Tribes)	
1. Agency Headquarters. Post office, Klamath Agency; railroad station, Chiloquin. Distance from railroad, 6 miles	18
2. Indian Police	2
3. Forestry Unit	22
4. Klamath Reservation Boarding School, at Agency	10
5. Day School No. 3. Post office, Beatty, railroad station, Chiloquin. Distances: From railroad, 50 miles; from agency, 56 miles by road	1
5. Salem School and Agency, Oregon	
1. Agency Headquarters. Post office and railroad station, Chemawa	* 68
2. Indian Police	1
3. Salem Non-Reservation Boarding School, at Agency	<sup>b</sup>

\* Includes all at school.

<sup>b</sup> Included in agency.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  8. Office of District Superintendent No. 5—*Cont'd*
    5. Salem School and Agency, Oregon—*Cont'd*
      4. Salem School Hospital, at Agency 4
      5. Siletz Subagency. Post office, Siletz; railroad station, Toledo. Distances: From railroad, 10 miles; from agency, 105 miles by road or 107 miles by railroad and 10 miles by road 2
    6. Umatilla Agency, Oregon (Umatilla)
      1. Agency Headquarters. Post office and railroad station, Pendleton. Distance from railroad,  $5\frac{1}{2}$  miles 8
      2. Indian Police 1
      3. Court of Indian Offenses 1
      4. St. Andrew's Non-Contract Mission Boarding School (Catholic), Pendleton. Distance from agency,  $4\frac{1}{2}$  miles by road
    7. Warm Springs Agency, Oregon (Warm Springs)
      1. Agency Headquarters. Post office, Warm-spring; railroad station, Gateway. Distance from railroad, 12 miles 4
      2. Indian Police 3
      3. Court of Indian Offenses 2
      4. Forestry Unit 3
      5. Warm Springs Reservation Boarding School, at Agency 13
      6. Simnasho Station. Distance from agency, 24 miles by road 2
    8. Colville Agency, Washington (Spokane and Chewelah)
      1. Agency Headquarters. Post office, Nespelem; railroad station, Almira or Wilbur. Distance from railroad, 40 miles 16
      2. Indian Police 4
      3. Court of Indian Offenses 4
      4. Forestry Unit 8
      5. Inchelium Subagency. Post office, Inchelium; railroad station, Addy. Distances: From railroad, 18 miles; from agency, 55 miles by road 2
      6. Okanogan Subagency. Post office and railroad station, Omak. Distances: From railroad  $\frac{1}{4}$  mile; from agency, 42 miles by road 2
      7. Spokane Subagency. Post office, Wellpinit; railroad station, Reardan. Distances: From railroad, 22 miles; from agency, 115 miles by road or 55 miles by railroad and 62 miles by road 2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  8. Office of District Superintendent No. 5—*Cont'd*
  8. Colville Agency, Washington—*Continued*
    8. Fort Spokane Hospital. Post office, Miles; railroad station, Creston. Distances: From railroad, 20 miles; from agency, 70 miles (10 miles by railroad and 60 miles by road) 7
    9. No. 7 Day School. Post office, Gerome; railroad station, Davenport. Distances: From railroad, 40 miles; from agency, 60 miles by road 1
    10. St. Mary's Non-Contract Mission Boarding School (Catholic), Omak. Distance from agency, 38 miles by road
    9. Neah Bay Agency, Washington
      1. Agency Headquarters. Post office and railroad station, Neah Bay. Distance from railroad, 147 miles by steamer 3
      2. Indian Police 4
      3. Forestry Unit 1
      4. Neah Bay Day School. Distance from agency, 2 miles 2
      5. Quileute Day School. Post office, La Push; railroad station, Seattle. Distance from railroad, 167 miles (84 miles by steamer, 81 miles by road, 2 miles by canoe); from agency, 124 miles (gasoline launch 18 miles, by road 104 miles, by canoe 2 miles) 2
    10. Taholah Agency, Washington (Chehalis, Nisqually, Quinaielt, Squaxin Island, Skokomish)
      1. Agency Headquarters. Post office and railroad station, Hoquiam 5
      2. Indian Police 4
      3. Court of Indian Offenses 1
      4. Quinaielt Subagency. Post office, Taholah; railroad station, Moclips. Distances: From railroad, 9 miles; from agency, 36 miles by road or 28 miles by railroad and 9 miles by road <sup>a</sup> 13
      5. Forestry Unit, at Subagency <sup>b</sup>
    11. Tulalip Agency, Washington (Tulalip, Lummi, Muckleshoot, Port Madison, Swinomish, Callam, Nooksacks, Skagit and Suiattle)
      1. Agency Headquarters. Post office, Tulalip; railroad station, Marysville. Distance from railroad, 7 miles 6

<sup>a</sup> Includes Forestry Unit.

1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
8. Office of District Superintendent No. 5— <i>Cont'd</i>	
11. Tulalip Agency, Washington— <i>Continued</i>	
2. Indian Police	4
3. Court of Indian Offenses	1
4. Forestry Unit	2
5. Tulalip Hospital, at Agency	2
6. Tulalip Reservation Boarding School, at Agency	25
7. Jamestown Day School. Post office, Sequim; railroad station, Seattle. Distances: From railroad, 70 miles by boat and 4 miles by road; from agency, 74 miles (10 miles by boat and 64 miles by road)	1
8. Lummi Subagency. Post office, Marietta; railroad station, Bellingham. Distances: From railroad, 7 miles; from agency, 71 miles (57 miles by railroad and 14 miles by road)	<sup>a</sup> 1
9. Port Madison Subagency. Post office, Suquamish; railroad station, Seattle. Distances: From railroad, 18 miles by steamer; from agency, 65 miles (7 miles by road, 40 miles by railroad, 18 miles by boat)	<sup>b</sup> 1
10. Muckleshoot Subagency. Post office and railroad station, Auburn. Distances: From railroad, 7 miles; from agency, 76 miles (62 miles by rail and 14 miles by road)	1
11. Swinomish Subagency on Fidalgo Island. Post office, La Conner; railroad station, Mt. Vernon. Distances: From railroad, 10 miles; from agency, 46 miles (29 miles by railroad and 17 miles by road)	1
12. St. George's Non-Contract Mission Boarding School (Catholic), Tacoma. Distance from agency, 88½ miles (8½ miles by road and 80 miles by railroad)	
12. Yakima Agency (Yakima)	
1. Agency Headquarters. Post office and railroad station, Toppenish	13
2. Indian Police	3
3. Forestry Unit	2
4. Fort Simcoe Substation. Post office, Fort Simcoe; railroad station, Toppenish. Distance from railroad and agency, 33 miles by road	3

<sup>a</sup> Included in Forestry Unit.

<sup>b</sup> Included in Police Unit.

# OUTLINE OF ORGANIZATION

371

## Office of Commissioner of Indian Affairs—*Continued*

### II. Administrative Division—*Continued*

#### 2. Office of General Superintendent—*Continued*

##### 9. Office of District Superintendent No. 6 (California and Nevada), Riverside, California

1. Sherman Institute, Riverside, California \* 73
2. Fort Bidwell Agency, California (Paiute, Pit River)
  1. Agency Headquarters. Post office, Fort Bidwell; railroad station, Willow Ranch. Distance from railroad, 20 miles 2
  2. Indian Police 1
  3. Fort Bidwell Reservation Boarding School, at Agency 12
  4. Pit River Subagency No. 1. Post office, Lookout; railroad station, Alturas. Distances: From railroad, 50 miles; from agency, 100 miles (30 miles by railroad and 70 miles by road) 1
  5. Pit River Subagency No. 2. Post office and railroad station, Alturas. Distance from agency, 50 miles (20 miles by road and 30 miles by railroad), or 50 miles by road alone 2
3. Fort Yuma Agency, California (Yuma and Cocopah)
  1. Agency Headquarters. Post office and railroad station, Yuma, Arizona 7
  2. Indian Police 3
  3. Court of Indian Offenses 1
  4. Fort Yuma Reservation Boarding School, at Agency 19
  5. Fort Yuma Hospital, at Agency 2
4. Hoopa Valley Agency, California (Bear River, Blue Lake, Crescent City, Eel River, Hoopa Valley, Klamath River, Lower Klamath, Smith River)
  1. Agency Headquarters. Post office, Hoopa; railroad station, Arcata. Distance from railroad, 45 miles 3
  2. Indian Police 2
  3. Court of Indian Offenses 1
  4. Forestry Unit 1
  5. Hoopa Valley Reservation Boarding School, at Agency 17
  6. Hoopa Valley Hospital, at Agency 6

---

\* Nonreservation boarding school.



1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  9. Office of District Superintendent No. 6—*Cont'd*
  5. Mission Agency, California (Augustine, Cabezón, Cahuilla, Campo, Capitán Grande, Cuyapaípe, Inaja, Laguna, La Jolla, La Posta, Los Coyotes, Manzanita, Mesa Grande, Mission Creek, Morongo, Pala, Palm Springs, Pauma, Pechanga, Rincon, San Manuel, San Pascual, Santa Rosa, Santa Ynez, Volcan (Santa Ysabel) Soboba, Sycuam, Torres-Martínez)
    1. Agency Headquarters. Post office and railroad station, Riverside 2
    2. Indian Police 12
    3. Court of Indian Offenses 2
    4. Campo Subagency. Post office and railroad station, Campo. Distances: From railroad, 10 miles; from agency, 175 miles (165 miles by railroad and 10 miles by road) \* 1
    5. Campo Day School at Campo Subagency 2
    6. Pala Subagency. Post office, Pala; railroad station, Temecula. Distances: From railroad, 12 miles; from agency, 60 miles by road, or 48 miles by railroad and 12 miles by road 5
    7. Pala Day School, at Pala Subagency 2
    8. Capitán Grande Subagency. Post office and railroad station, Lakeside. Distances: From railroad, 12 miles; from agency, 150 miles (138 miles by railroad and 12 miles by road) \* 2
    9. La Jolla Subagency. Post office, Valley Center; railroad station, Escondido. Distances: From railroad, 25 miles; from agency, 75 miles (50 miles by railroad and 25 miles by road) \* 1
    10. Rincon Subagency. Post office, Valley Center; railroad station, Escondido. Distances: From railroad, 18 miles; from agency, 70 miles (52 miles by railroad and 18 miles by road) 2
    11. Rincon Day School, at Rincon Subagency 2
    12. Volcan Subagency. Post office, Santa Ysabel; railroad station, Lakeside. Distances: From railroad, 34 miles; from agency, 95 miles (61 miles by railroad and 34 miles by road) \* 2
    13. Volcan Day School, at Volcan Subagency 2

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\* Included also in Police.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  9. Office of District Superintendent No. 6—*Cont'd*
  5. Mission Agency, California—*Continued*
    14. Mesa Grande Subagency. Post office, Mesa Grande; railroad station, Lakeside. Distances: From railroad, 30 miles; from agency, 100 miles (70 miles by railroad and 30 miles by road) 1
    15. Mesa Grande Day School, at Mesa Grande Subagency 2
    16. Saboba Subagency. Post office and railroad station, San Jacinto. Distances: From railroad, 2½ miles; from agency, 40 miles (37½ miles by railroad and 2½ miles by road) 2
    17. Saboba Hospital, at Saboba Subagency 4
    18. Cahuilla Subagency. Post office, Cahuilla; railroad station, Hemet. Distances: From railroad, 37 miles; from agency, 70 miles (33 miles by railroad and 37 miles by road) 1
    19. Santa Ynez Subagency. Post office, Santa Ynez; railroad station, Los Olivos. Distances: From railroad, 5 miles; from agency, 225 miles (220 miles by railroad and 5 miles by road) 1
    20. Malke Subagency (Morongo). Post office and railroad station, Banning. Distances: From railroad, 4 miles; from agency, 40 miles (36 miles by railroad and 4 miles by road) 2
    21. Martinez Subagency (known as Torres-Martinez). Post office and railroad station, Thermal. Distances: From railroad, 10 miles; from agency, 85 miles (75 miles by railroad and 10 miles by road) 2
    22. Santa Ysabel Subagency. Post office, Santa Ysabel; railroad station, Lakeside. Distances: From railroad, 30 miles; from agency, 95 miles (65 miles by railroad and 30 miles by road) 1
    23. Mission Creek Subagency. Post office and railroad station, Cabezon. Distances: From railroad, 6 miles; from agency, 50 miles (44 miles by railroad and 6 miles by road) 1
    24. Palm Springs (Auga Calienta) Subagency. Post office and railroad station, Palm Springs. Distances: From railroad, 3 miles; from agency, 56 miles (53 miles by railroad and 3 miles by road) 1

I. Office of Commissioner of Indian Affairs—*Continued*II. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*9. Office of District Superintendent No. 6—*Cont'd*

## 6. Sacramento Agency, California (Mewuk (Digger), Little Lake, Coucow, Pit River, Washoe, Fall River, Mixed tribes, Ukie)

1. Agency Headquarters. Post office and railroad station, Sacramento 4
2. Indian Police 1
3. Greenville Subagency. Post office and railroad station, Greenville. Distances: From railroad, 4 miles; from agency, 170 miles by road or 278 miles by railroad 1
4. Redding Subagency. Post office and railroad station, Redding. Distance from agency, 170 miles by road or railroad 1
5. Round Valley Subagency. Post office, Covelo; railroad station, Dos Rios. Distances: From railroad, 21 miles; from agency, 237 miles by road or 256 miles by railroad 2
6. Tule River Day School. Post office and railroad station, Porterville. Distances: From railroad, 17 miles; from agency, 262 miles by road or 338 miles by railroad 3
7. Tuolumme Subagency. Post office and railroad station, Tuolumme. Distances: From railroad 3 miles; from agency, 127 miles by road or 154 miles by railroad \* 1
8. Auberry Day School. Post office, Auberry; railroad station, Indian Mission. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 210 miles by road or 268 miles by railroad 2
9. Burrough's Day School. Post office, Tollhouse; railroad station, Clovis. Distances: From railroad, 35 miles; from agency, 210 miles by road or 217 miles by railroad 2
10. Pinolville Day School. Post office and railroad station, Ukiah. Distances: From railroad, 3 miles; from agency, 167 miles by road or 203 miles by railroad; from Round Valley Subagency, 71 miles by road 2
7. Carson Agency, Nevada
  1. Agency Headquarters. Post office and railroad station, Stewart 3

\* Included also in Police.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
    9. Office of District Superintendent No. 6—*Cont'd*
      7. Carson Agency, Nevada—*Continued*
        2. Carson Boarding School\* 38
        3. Carson Hospital, at Agency 7
        4. Fort McDermitt Subagency. Post office, McDermitt; railroad station, Winnemucca. Distances: From railroad, 90 miles; from agency, 290 miles (200 miles by railroad and 90 miles by road) 1
        5. Fort McDermitt Day School, at Fort McDermitt Subagency 4
        6. Nevada Subagency. Post office, Nixon; railroad station, Numana. Distances: From railroad, 4 miles; from agency, 85 miles by road or railroad 2
        7. Pyramid Lake Sanatorium, at Nevada Subagency 8
        8. Nevada Day School, at Nevada Subagency 3
        9. Reno Subagency. Post office and railroad station, Reno. Distance from agency, 35 miles by road or railroad 3
        10. Lovelock Day School. Post office and railroad station, Lovelock. Distance from agency, 135 miles by road or railroad 3
      8. Walker River Agency, Nevada-California (Paiute, Mason-Smith Valley, Shoshone, Monache, Washoe)
        1. Agency Headquarters. Post office and railroad station, Schurz, Nevada 9
        2. Indian Police 1
        3. Walker River Day School, at Agency 2
        4. Bishop Subagency. Post office, Bishop, California; railroad station, Laws, California. Distances: From railroad, 5 miles; from agency, 226 miles by railroad and 5 miles by road or 162 miles by mountain road or 200 miles by highway route open only in summer 3
        5. Fallon Subagency. Post office and railroad station, Fallon, Nevada. Distances: From railroad, 10 miles; from agency, 85 miles by railroad and 10 miles by road or 50 miles by mountain road or 85 miles by another road which is used when mountain road is impassable 3
      9. Western Shoshone Agency, Nevada (Shoshone, Paiute)
        1. Agency Headquarters. Post office, Owyhee, railroad station, Mountain Home, Idaho. Distance from railroad, 110 miles 9

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\* Nonreservation boarding school.

1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
9. Office of District Superintendent No. 6— <i>Cont'd</i>	
9. Western Shoshone Agency, Nevada— <i>Cont'd</i>	
2. Indian Police	2
3. Court of Indian Offenses	1
4. Hospital, at Agency	2
5. Day School No. 1. Post office, Owyhee, Nevada; railroad station, Mountain Home, Idaho. Distances: From railroad, 106 miles; from agency, 4 miles by road	2
6. Day School No. 2. Post office, Owyhee, Nevada; railroad station, Mountain Home, Idaho. Distances: From railroad, 112 miles; from agency, 2 miles by road	3
7. Day School No. 3. Post office, Owyhee, Nevada; railroad station, Mountain Home, Idaho. Distances: From railroad, 100 miles; from agency, 10 miles by road	2
10 Office of District Superintendent No. 7 (Arizona), Flagstaff, Arizona	
1. Theodore Roosevelt School. Fort Apache, Arizona *	37
2. Colorado River Agency, Arizona (Mojave, Chemehuevi)	
1. Agency Headquarters. Post office and railroad station, Parker. Distance from railroad, 1 mile	5
2. Indian Police	1
3. Colorado River Reservation Boarding School, at Agency	10
4. Fort Mojave Subagency. Post office, Mojave City; railroad station, Kingman. Distances: From railroad, 40 miles; from agency, 120 miles by road	1
5. Field Matron's Station. Post office and railroad station, Needles. Distance from agency, 65 miles by road	1
3. Fort Apache Agency, Arizona (White Mountain Apache)	
1. Agency Headquarters. Post office, White-river; railroad station, McNary. Distance from railroad, 23 miles	26
2. Indian Police	3
3. Forestry Unit	7
4. Fort Apache Hospital, at Agency	3
5. Fort Apache Reservation Boarding School, at Agency	27

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\* Nonreservation boarding school.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  10. Office of District Superintendent No. 7—*Cont'd*
    3. Fort Apache Agency, Arizona—*Continued*
      6. Canyon Day School. Post office, Fort Apache; railroad station, McNary. Distances: From railroad, 31 miles; from agency, 8 miles by road 2
      7. Cibecue Day School. Post office, Cibecue; railroad station, McNary. Distances: From railroad, 75 miles; from agency, 52 miles by road 2
      8. East Fork Non-Contract Mission Boarding and Day School (Lutheran), White-river. Distance from agency, 6 miles
      9. Cibecue Non-Contract Mission Day School (Lutheran), Cibecue. Distance from agency, 51 miles by road
    4. Fort Mojave School, Arizona
      1. Fort Mojave Reservation Boarding School. Post office, Mojave City; railroad station, Kingman. Distance from railroad 42 miles 25
      2. Fort Mojave Hospital, at School 2
    5. Havasupai Agency, Arizona (Havasupai)
      1. Agency Headquarters. Post office, Supai; railroad station, Grand Canyon. Distance from railroad, 38 miles by road and 14 miles by trail 2
      2. Indian Police 1
      3. Havasupai Day School, at Agency 1
    6. Hopi Agency, Arizona (Hopi)
      1. Agency Headquarters. Post office, Keams Canon; railroad station, Holbrook. Distance from railroad, 78 miles 18
      2. Indian Police 5
      3. Court of Indian Offenses 3
      4. Hopi Hospital, at Agency 8
      5. Hopi Reservation Boarding School, at Agency 15
      6. Chimopovy Day School. Post office, Chimopovy; railroad station, Winslow. Distances: From railroad, 88 miles; from agency, 25 miles by road 4
      7. Hotevilla-Bacabi Day School. Post office, Hotevilla; railroad station, Winslow. Distances: From railroad, 82 miles; from agency, 47 miles by road 7
      8. Oraibi Day School. Post office, Oraibi; railroad station, Winslow. Distances: From railroad, 75 miles; from agency, 38 miles by road 8

1. Office of Commissioner of Indian Affairs—*Continued*II. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*10. Office of District Superintendent No. 7—*Cont'd*6. Hopi Agency, Arizona—*Continued*

9. Polacca Day School. Post office, Polacca;  
railroad station, Winslow. Distances:  
From railroad, 78 miles; from agency,  
13 miles by road 7

10. Second Mesa Day School. Post office,  
Toreva; railroad station, Winslow. Dis-  
tances: From railroad, 84 miles; from  
agency, 21 miles by road 6

## 7. Leupp Agency, Arizona (Navajo)

1. Agency Headquarters. Post office, Leupp;  
railroad station, Canyon Diablo. Dis-  
tance from railroad, 13 miles 2  
2. Indian Police 2  
3. Court of Indian Offenses 2  
4. School and Agency Hospital, at Agency 2  
5. Reservation Boarding School, at Agency 35  
6. Farmer's Station. Post office, Leupp; rail-  
road station, Winslow. Distance from  
agency, 45 or 70 miles by road, according  
to weather 1

## 8. Phoenix School, Arizona

1. Phoenix Nonreservation Boarding School.  
Post office and railroad station, Phoenix.  
Distance from railroad  $3\frac{1}{2}$  miles 64  
2. Phoenix School Hospital, at School 3  
3. East Farm Sanatorium. Post office and  
railroad station, Phoenix. Distance from  
railroad, 5 miles 24  
4. Camp Verde Subagency. Post office, Camp  
Verde; railroad station, Clarkdale. Dis-  
tances: From railroad, 22 miles; from  
Phoenix School, 170 miles by road or 210  
miles by railroad and 22 miles by road 2

9. Pima Agency, Arizona (Pima, Maricopa,  
Papago, Normadic)

1. Agency Headquarters. Post office, Sacaton;  
railroad station, Casa Grande. Distance  
from railroad, 14 miles 20  
2. Indian Police 5  
3. Court of Indian Offenses 2  
4. Pima Hospital, at Agency 7  
5. Pima Reservation Boarding School, at  
Agency 27  
6. Pima Day School, at Agency 1  
7. Blackwater Day School. Post office, Black-  
water; railroad station, Casa Grande.  
Distances: From railroad, 11 miles;  
from agency, 12 miles by road 2

- i. Office of Commissioner of Indian Affairs—*Continued*
- ii. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
    10. Office of District Superintendent No. 7—*Cont'd*
    9. Pima Agency, Arizona—*Continued*
      8. Casa Blanca Day School. Post office, Vah ki; railroad station, Casa Grande. Distances: From railroad, 12 miles; from agency, 10 miles by road 2
      9. Chiu Chuichu Day School. Post office and railroad station, Casa Grande. Distances: From railroad, 10 miles; from agency, 25 miles by road 2
      10. Coöperative Village Day School. Post office, Laveen; railroad station, Phoenix. Distances: From railroad, 15 miles; from agency, 35 miles by road 1
      11. Gila Crossing Day School. Post office, Komatke; railroad station, Phoenix. Distances: From railroad, 15 miles; from agency, 35 miles by road 2
      12. Maricopa Day School. Post office, Laveen; railroad station, Phoenix. Distances: From railroad, 15 miles; from agency, 42 miles by road 2
      13. Santan Day School. Post office, Sacaton; railroad station, Casa Grande. Distances: From railroad, 1 mile; from agency, 3 miles by road 2
      14. Sacate Non-Contract Mission Day School (Catholic), Sacate. Distance 18 miles by road
      15. St. John's Non-Contract Mission Boarding School (Catholic), Komatke, Arizona. Distance from agency, 35 miles by road
      16. St. Michael's Non-Contract Mission Day School (Catholic), Sacaton. Distance from agency, 5 miles by road
      17. Stotonic Mission Non-Contract Mission Day School (Catholic), Lower Santan. Distance from agency, 9 miles by road
      - 18 Stotonic Non-Contract Mission Day School (Presbyterian), Lower Santan. Distance from agency, 9 miles by road
    10. Salt River Agency, Arizona (Pima, Maricopa, Mojave, Apache)
      1. Agency Headquarters. Post office, Scottsdale; railroad station, Phoenix. Distance from railroad, 15 miles 4
      2. Indian Police 3
      3. Salt River Day School, at Agency 1



I. Office of Commissioner of Indian Affairs—*Continued*II. Administrative Division—*Continued*3. Office of General Superintendent—*Continued*10. Office of District Superintendent No. 7—*Cont'd*10. Salt River Agency, Arizona—*Continued*

4. Camp McDowell Subagency. Post office, Fort McDowell; railroad station, Phoenix. Distances: From railroad, 37 miles; from agency, 22 miles by road 1

5. Camp McDowell Day School, at Camp McDowell Subagency 1

6. Lehigh Subagency. Post office and railroad station, Mesa. Distances: From railroad, 5 miles; from agency, 6 miles by road 1

7. Lehigh Day School, at Lehigh Subagency 2

## II. San Carlos Agency, Arizona (Apache)

1. Agency Headquarters. Post office and railroad station, San Carlos 25

2. Indian Police 4

3. Court of Indian Offenses 2

4. San Carlos Day School, at Agency 5

5. Rice Station Reservation Boarding School. Post office and railroad station, Rice. Distances: From railroad,  $\frac{1}{2}$  mile; from agency, 12 miles by road or railroad 18

6. Rice Station School Hospital, at Rice Station Boarding School 1

7. Bylas Non-Contract Mission Day School (Lutheran), Bylas. Distance from agency, 29 miles by road or 21 miles by railroad

8. Peridot Non-Contract Mission Day School (Lutheran), Rice. Distance from agency, 18 miles by road or 11 miles by railroad and 3 miles by road

## 12. Sells Agency, Arizona (Papago)

1. Agency Headquarters. Post office, Sells; railroad station, Tucson. Distance from railroad, 65 miles 11

2. Indian Police 3

3. Court of Indian Offenses 2

4. Sells Hospital, at Agency 6

5. Sells Day School, at Agency 2

6. Santa Rosa Day School. Post office, Santa Rosa; railroad station, Casa Grande. Distances: From railroad, 45 miles; from agency, 38 miles by road 2

7. San Xavier Day School. Post office and railroad station, Tucson. Distances: From railroad, 9 miles; from agency, 67 miles by road 5

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
10. Office of District Superintendent No. 7—*Cont'd*
12. Sells Agency, Arizona—*Continued*
8. Vamori Day School. Post office, Sells; railroad station, Tucson. Distances: From railroad, 83 miles; from agency, 18 miles by road 2
9. Fresno Experimental Station in coöperation with Department of Agriculture. Post office, Sells; railroad station, Tucson. Distances: From railroad, 80 miles; from agency, 25 miles by road 1
10. Anegam Non-Contract Mission Day School (Catholic), Casa Grande. Distance from agency, 42 miles by road
11. Ajo Non-Contract Mission Day School (Catholic), Ajo. Distance from agency, 70 miles by road
12. Cowlic Non-Contract Mission Day School (Catholic), Sells. Distance from agency, 12 miles by road
13. Lourdes Non-Contract Mission Day School (Catholic), Sells. Distance from agency, 5 miles by road
14. Pissinemo Non-Contract Mission Day School (Catholic), Ajo. Distance from agency, 35 miles by road
15. San Miguel Non-Contract Mission Day School (Catholic), Sells. Distance from agency, 27 miles by road
16. San Miguel Non-Contract Mission Day School (Presbyterian), Sells. Distance from agency, 27 miles by road
17. St. Anthony's Non-Contract Mission Day School (Catholic), Topowa. Distance from agency, 12 miles by road
18. San José Non-Contract Mission Day School (Catholic), Tucson. Distance from agency, 65 miles by road
19. Topowa Non-Contract Mission Day School (Presbyterian), Topowa. Distance from agency, 12 miles by road
20. Tucson Training Non-Contract Mission Boarding School (Presbyterian), Es-cuala. Distance from agency, 62 miles by road
13. Southern Navajo Agency, Arizona and New Mexico (Navajo)
1. Agency Headquarters. Post office, Fort Defiance, Arizona; railroad station, Gallup, New Mexico. Distance from railroad, 30 miles 26

1. Office of Commissioner of Indian Affairs—*Continued*11. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*10. Office of District Superintendent No. 7—*Cont'd*13. Southern Navajo Agency, Arizona and New Mexico—*Continued*

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| 2. Indian Police                                 | 5  |
| 3. Court of Indian Offenses                      | 2  |
| 4. Navajo School Hospital, at Agency             | 6  |
| 5. Navajo Sanatorium, at Agency                  | 4  |
| 6. Navajo Reservation Boarding School, at Agency | 39 |

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| 7. Chin Lee Reservation Boarding School. Post office, Chin Lee, Arizona; railroad station, Gallup, New Mexico. Distances: From railroad, 80 miles; from agency, 50 miles by road | 19 |
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| 8. Tohatchi Reservation Boarding School. Post office, Tohatchi, New Mexico; railroad station, Gallup, New Mexico. Distances: From railroad, 25 miles; from agency, 55 miles by road | 24 |
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| 9. Cornfields Day School. Post office, Cornfields, Arizona; railroad station, Gallup, New Mexico. Distances: From railroad, 55 miles; from agency, 44 miles by road | 2 |
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| 10. Luki Chuki Day School. Post office, Fort Defiance, New Mexico; railroad station, Gallup, New Mexico. Distances: From railroad, 92 miles, from agency, 60 miles by road | 2 |
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| 11. Ganado Non-Contract Mission Day School (Presbyterian), Ganado. Distance from agency, 35 miles by road |  |
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| 12. St. Michael's Non-Contract Mission Boarding School (Catholic), St. Michaels. Distance from agency, 8 miles by road |  |
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## 14. Truxton Canyon Agency and School, Arizona (Hualapai)

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| 1. Agency Headquarters. Post office and railroad station, Valentine   | 5  |
| 2. Indian Police  | 1  |
| 3. Hospital, at Agency  | 1  |
| 4. Truxton Canyon Reservation Boarding School, at Agency  | 20 |
| 5. Headquarters of Superintendent of Livestock. Post office and railroad station, Peach Springs. Distance from agency, 20 miles by road |    |

## 15. Western Navajo Agency, Arizona (Navajo)

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| 1. Agency Headquarters. Post office, Tuba City; railroad station, Flagstaff. Distance from railroad, 80 miles | 10 |
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1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
10. Office of District Superintendent No. 7— <i>Cont'd</i>	
15. Western Navajo Agency, Arizona— <i>Continued</i>	
2. Indian Police	4
3. Court of Indian Offenses	3
4. Agency Hospital, at Agency	2
5. Marsh Pass Reservation Boarding School. Post office, Kayenta; railroad station, Flagstaff. Distances: From railroad, 160 miles; from agency, 80 miles by road	34
6. Moencopi Day School. Post office, Tuba City; railroad station, Flagstaff. Dis- tances: From railroad, 80 miles; from agency, 3 miles by road	2
11. Office of District Superintendent No. 8 (Colorado, New Mexico, and Utah), Albuquerque, New Mexico	
1. Albuquerque School, Albuquerque, New Mexico *	56
2. Charles H. Burke School, Fort Wingate, New Mexico *	22
3. Santa Fe School, Santa Fe, New Mexico *	43
4. Consolidated Ute Agency, Colorado and New Mexico (Ute Mountain Utes)	
1. Agency Headquarters. Post office and rail- road station, Ignacio, Colorado. Distance from railroad, 1½ miles	10
2. Indian Police	3
3. Ignacio Reservation Boarding School, at Agency	11
4. Ute Mountain Subagency. Post office, Towaco; railroad station, Dolores. Dis- tances: From railroad, 32 miles; from agency, 92 miles (60 miles by railroad and 32 miles by road)	3
5. Ute Mountain Reservation Boarding School, at Ute Mountain Subagency	19
6. Ute Mountain Hospital, at Ute Mountain Reservation Subagency	2
7. Allen Day School. Post office, Bayfield; railroad station, Ignacio. Distances: From railroad, 7½ miles; from agency, 6 miles by road	2
8. Allen Canyon Subagency. Post office, Blanding, Utah; railroad station, Dolo- res, Colorado. Distances: From rail- road, 110 miles; from agency, 170 miles (60 miles by railroad and 110 miles by road)	1

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\* Nonreservation boarding school.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
    11. Office of District Superintendent No. 8—*Cont'd*
      5. Eastern Navajo Agency, New Mexico (Navajo)
        1. Agency Headquarters. Post office, Crown Point; railroad station, Thoreau. Distance from railroad, 25 miles 17
        2. Indian Police 6
        3. Hospital, at Agency 3
        4. Pueblo Bonito Reservation Boarding School, at Agency 27
        5. Pinedale Day School. Post office and railroad station, Gallup, New Mexico. Distances: From railroad, 20 miles; from agency, 22 miles by road 2
        6. Farmington Non-Contract Mission Boarding School (Presbyterian), Farmington. Distance from agency, 110 miles by road
        7. Lake Grove Non-Contract Mission Day School (Adventists), Smith Lake. Distance from agency, 13 miles by road
        8. Rehoboth Non-Contract Mission Boarding School (Christian Reformed), Rehoboth. Distance from agency, 52 miles by road
      6. Jicarilla Agency, New Mexico (Jicarilla)
        1. Agency Headquarters. Post office and railroad station, Dulce 17
        2. Indian Police 2
        3. Forestry Unit 5
        4. Jicarilla Sanatorium. Post office and railroad station, Dulce. Distance from railroad and agency, 1½ mile 18
        5. Jicarilla Agency Hospital, at Agency 6
        6. Jicarilla Mission Non-Contract Mission Day School (Reformed Church), Dulce. Distance from agency, 1½ miles
      7. Mescalero Agency, New Mexico (Apache)
        1. Agency Headquarters. Post office, Mescalero; railroad station, Tularosa. Distance from railroad, 18 miles 16
        2. Indian Police 3
        3. Forestry Unit 3
        4. Hospital, at Agency 8
        5. Mescalero Reservation Boarding School, at Agency 13
      8. Northern Navajo Agency, New Mexico, Arizona and Utah (Navajo)
        1. Agency Headquarters. Post office, Shiprock, New Mexico; railroad station, Farmington, New Mexico. Distance from railroad, 22 miles 8

1. Office of Commissioner of Indian Affairs— <i>Continued</i>	
11. Administrative Division— <i>Continued</i>	
2. Office of General Superintendent— <i>Continued</i>	
11. Office of District Superintendent No. 8— <i>Cont'd</i>	
8. Northern Navajo Agency— <i>Continued</i>	
2. Indian Police	9
3. Court of Indian Offenses	2
4. Reservation Boarding School, at Agency	45
5. Hospital, at Agency	5
6. Toadlena Reservation Boarding School. Post office, Toadlena, New Mexico; railroad station, Farmington, New Mex- ico. Distances: From railroad, 75 miles; from agency, 43 miles by road	21
7. Toci Farmer Station. Post office, Toad- lena, New Mexico; railroad station, Farmington, New Mexico. Distances: From railroad, 61 miles; from agency, 29 miles by road	1
8. Aneth Farmer Station. Post office, Ship- rock, New Mexico; railroad station, Farmington, New Mexico. Distances: From railroad, 79 miles; from agency, 47 miles by road	1
9. Northern Pueblo Agency, New Mexico (Taos, Picuris, San Juan, Santa Clara, San Ildefonso, Nambé, Poquaque, Santa Domingo, Cochiti and Tesuque Pueblos)	
1. Agency Headquarters. Post office and rail- road station. Santa Fe.	7
2. Indian Police	3
3. Forestry Unit	1
4. Cochiti Day School. Post office, Pena Blanca; railroad station, Domingo. Dis- tances: From railroad, 10 miles; from agency, 30 miles by road or 49 miles by railroad and 10 miles by road	2
5. Picuris Day School. Post office, Penasco; railroad station, Embudo. Distances: From railroad, 20 miles; from agency, 65 miles by road or 63½ miles by railroad and 20 miles by road	2
6. San Ildefonso Day School. Post office, Santa Fe; railroad station, Otowi. Dis- tances: From railroad, 2 miles; from agency, 24 miles by road or 25 miles by railroad and 2 miles by road	1
7. San Juan Day School. Post office and railroad station, Chamita. Distances: From railroad, 1 mile; from agency, 30 miles by road or 69 miles by railroad and 1 mile by road	2

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
11. Office of District Superintendent No. 8—*Cont'd*
9. Northern Pueblo Agency—*Continued*
8. Santa Clara Day School. Post office and railroad station, Espanola. Distances: From railroad,  $1\frac{1}{2}$  miles; from agency, 30 miles by road or 34 miles by railroad and 2 miles by road 2
9. Espanola Farmer Station, at Santa Clara Day School 1
10. Santo Domingo Day School. Post office and railroad station, Domingo, New Mexico. Distances: From railroad,  $2\frac{1}{2}$  miles; from agency, 30 miles by road or 49 miles by railroad and  $2\frac{1}{2}$  miles by road 5
11. Taos Day School. Post office, Taos; railroad station, Taos Junction. Distances: From railroad, 27 miles; from agency, 78 miles by road or 69 miles by railroad and 27 miles by road 9
12. Taos Farmer Station, at Taos Day School 1
13. Tesuque Day School. Post office and railroad station, Santa Fe. Distances: From railroad and agency, 10 miles by road 2
14. St. Catherine's Non-Contract Mission Boarding School (Catholic), Santa Fe. Distance from agency, 1 mile
10. Southern Pueblo Agency, New Mexico (Acoma, Isleta, Laguna, San Felipe, Santa Ana, Jemez, Zia, and Sandia Pueblos and Canonicito, Puertecito Navajos)
1. Agency Headquarters. Albuquerque, New Mexico 19
2. Indian Police 6
3. Laguna Day School. Post office and railroad station, Laguna. Distances: From railroad, 3 miles; from agency, 72 miles by road or 75 miles by railroad 2
4. Acoma Day School. Post office and railroad station, Acoma. Distances: From railroad, 1 mile; from agency, 92 miles by road or railroad 3
5. Encinal Day School. Post office, Cubero; railroad station, Laguna. Distances: From railroad,  $8\frac{1}{2}$  miles; from agency, 85 miles by road or 72 miles by railroad and  $8\frac{1}{2}$  miles by road 2
6. Isleta Day School. Post office and railroad station, Isleta. Distance from agency, 17 miles by road or railroad 4

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
    11. Office of District Superintendent No. 8—*Cont'd*
      10. Southern Pueblo Agency—*Continued*
        7. McCarthy's Day School. Post office, Acomita; railroad station, McCarthy's. Distances: From railroad, 2 miles; from agency, 91 miles by road or railroad 2
        8. Mesita Day School. Post office and railroad station, Laguna. Distances: From railroad, 10 miles; from agency, 66 miles by road or 72 miles by railroad and 10 miles by road 2
        9. Pagate Day School. Post office, Paguate; railroad station, Laguna. Distances: From railroad, 16 miles; from agency, 86 miles by road or 72 miles by railroad and 16 miles by road 3
        10. Paraje Day School. Post office, Casa Blanca; railroad station, Laguna. Distances: From railroad, 6 miles; from agency, 84 miles by road or 72 miles by railroad and 6 miles by road 2
        11. San Felipe Day School. Post office and railroad station, Algodones. Distances: From railroad, 5 miles; from agency, 30 miles by road or railroad 3
        12. Seama Day School. Post office, Seama; railroad station, Bernalillo. Distances: From railroad, 9 miles; from agency, 87 miles by road or 72 miles by railroad and 9 miles by road 2
        13. Sia Day School. Post office, San Ysidro; railroad station, Bernalillo. Distances: From railroad, 17 miles; from agency, 34 miles by road 2
        14. Jemez Day School. Post office, Jemez; railroad station, Bernalillo. Distances: From railroad, 32 miles; from agency, 17 miles by railroad and 32 miles by road 2
        15. Jemez Non-Contract Mission Day School (Catholic), at Jemez Day School
      11. Zuni Agency, New Mexico (Zuni)
        1. Agency Headquarters. Post office, Zuni; railroad station, Gallup. Distance from railroad, 45 miles 7
        2. Indian Police 2
        3. Hospital, at Agency 1
        4. Zuni Reservation Boarding School, at Agency 15
        5. Zuni Day School, at Agency 99



1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  11. Office of District Superintendent No. 8—*Cont'd*
    11. Zuni Agency, New Mexico—*Continued*
    6. Christian Reformed Non-Contract Mission Day School, Zuni. Distance from agency, 5 miles by road
    7. St. Anthony's Mission Non-Contract Mission Day School (Catholic), Zuni. Distance from agency, 5 miles by road
    12. Kaibab Agency, Utah, Arizona and Nevada (Paiute)
      1. Agency Headquarters. Post office and railroad station, Cedar City, Utah 3
      2. Indian Police 2
      3. Court of Indian Offenses 1
      4. Kaibab Subagency. Post office, Moccasin, Arizona; railroad station, Cedar City, Utah. Distance from railroad and agency, 101 miles by road 1
      5. Kaibab Day School, at Kaibab Subagency 2
      6. Goshute Subagency. Post office, Irapah, Utah; railroad station, Goldhill, Utah. Distances: From railroad, 30 miles; from agency, 300 miles (30 miles by road and 270 miles by railroad) 1
      7. Goshute Day School, at Goshute Subagency 2
      8. Moapa River Subagency. Post office and railroad station, Moapa, Nevada. Distances: From railroad, 2 miles; from agency, 40 miles by road or 190 miles by railroad 1
      9. Shivwitz Subagency. Post office, Santa Clara; railroad station, Cedar City, Utah. Distance from railroad and agency, 82 miles by road 2
      10. Shivwitz Day School, at Shivwitz Subagency 2
    13. Uintah and Ouray Agency, Utah (White River, Uintah, Uncompahgre)
      1. Agency Headquarters. Post office, Fort Duchesne; railroad station, Price. Distance from railroad, 96 miles 18
      2. Indian Police 5
      3. Forestry Unit 2
      4. Hospital, at Agency 5
      5. Uintah Reservation Boarding School. Post office, Whiterocks; railroad station, Price. Distances: From railroad, 110½ miles; from agency, 16 miles by road 14

\* Included also under Police and Court of Indian Offenses.

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
2. Office of General Superintendent—*Continued*
11. Office of District Superintendent No. 8—*Cont'd*
13. Uintah and Ouray Agency—*Continued*
6. Farmer's Station, at Uintah Reservation Boarding School 1
7. Ouray Subagency. Post office, Ouray; railroad station, Price. Distances: From railroad, 121 miles; from agency, 25 miles by road " 1
8. Farmer's Station. Post office, Myton; railroad station, Price. Distances: From railroad, 74 miles; from agency, 22 miles by road 1
9. Farmer's Station. Post office, Randlett; railroad station, Price. Distances: From railroad, 101 miles; from agency, 5 miles 1
12. Office of District Superintendent No. 9 (Western Oklahoma), Anadarko, Oklahoma
1. Cantonment Agency, Oklahoma (Cheyenne and Arapaho)
1. Agency Headquarters. Post office and railroad station, Canton. Distance from railroad, 4½ miles 8
2. Indian Police 1
3. Cantonment Reservation Boarding School, at Agency 14
4. Field Farmer's Station No. 1. Post office and railroad station, Canton. Distances: From railroad, 10 miles; from agency, 6 miles by road 1
5. Field Farmer's Station No. 2. Post office and railroad station, Canton. Distance from agency, 4 miles by road 1
2. Cheyenne and Arapaho Agency, Oklahoma (Cheyenne and Arapaho)
1. Agency Headquarters. Post office and railroad station, Concho 7
2. Indian Police 1
4. Cheyenne and Arapaho Reservation Boarding School, at Agency 20
3. Cheyenne and Arapaho Hospital, at Agency. 6
5. Calumet and Kingfisher Farm Station, at Agency 1
6. Geary Farm Station. Post office and railroad station, Geary. Distance from agency, 21 miles by road or 27 miles by railroad 1

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\* Included under Police.

1. Office of Commissioner of Indian Affairs—*Continued*11. Administrative Division—*Continued*2. Office of General Superintendent—*Continued*12. Office of District Superintendent No. 9—*Cont'd*2. Cheyenne and Arapaho Agency—*Continued*

7. Watongo Farm Station. Post office and railroad station, Watonga. Distance from agency, 41 miles by road or 41 miles by railroad

2

## 3. Kiowa Agency, Oklahoma (Kiowa, Comanche, Apache, Fort Sill Apache, Wichitas, Caddos, and affiliated bands)

1. Agency Headquarters. Post office and railroad station, Anadarko

24

2. Indian Police

2

3. Reservation Boarding School. Post office and railroad station, Anadarko. Distance from agency, 2½ miles

14

4. Riverside Reservation Boarding School. Post office and railroad station, Anadarko. Distances: From railroad, 1½ miles; from agency, 1 mile by road

18

5. Wichita Field Matron's Station. Post office and railroad station, Anadarko. Distances: From railroad, 4½ miles; from agency, 4 miles by road

1

6. Kiowa Hospital. Post office and railroad station, Lawton. Distance from agency, 35 miles by railroad or 40 miles by road

12

7. Fort Sill Subagency. Post office and railroad station, Lawton. Distance from agency, 35 miles by railroad or 42 miles by road

1

8. Fort Sill Reservation Boarding School, at Subagency

20

9. Mount Scott Field Matron's Station. Post office and railroad station, Lawton. Distances: From railroad, 18 miles; from agency, 38 miles by road

1

10. Rainy Mountain Farmer's Station. Post office and railroad station, Gotebo. Distances: From railroad, 6 miles; from agency, 45 miles by road

1

11. Fort Cobb Farmer's Station. Post office and railroad station, Fort Cobb. Distances: From railroad, 1 mile; from agency, 15 miles by road

1

12. West Cache Farmer's Station. Post office and railroad station, Cache. Distances: From railroad, 1 mile; from agency, 49 miles by road or 52 miles by railroad

1

1. Office of Commissioner of Indian Affairs—*Continued*
11. Administrative Division—*Continued*
  2. Office of General Superintendent—*Continued*
  12. Office of District Superintendent No. 9—*Cont'd*
  3. Kiowa Agency, Oklahoma—*Continued*
  13. Walter Farmer's Station. Post office and railroad station, Walter. Distance from agency, 54 miles by railroad or 60 miles by road 1
  14. Red Stone Field Matron's Station. Post office and railroad station, Anadarko. Distance from agency, 6 miles by road 1
  15. Apache Farmer's Station. Post office and railroad station, Apache. Distance from agency, 15 miles by railroad or 20 miles by road 1
  16. Apache Field Matron's Station, at Apache Farmer's Station 1
  17. Carnegie Farmer's Station. Post office and railroad station, Carnegie. Distance from agency, 25 miles by road or railroad 1
  18. Binger Farmer's Station. Post office and railroad station, Binger. Distance from agency, 18 miles by road or railroad 1
  19. Indianola Field Matron's Station. Post office and railroad station, Indianola. Distances: From railroad,  $7\frac{1}{2}$  miles; from agency, 72 miles by railroad or 57 miles by road 1
  4. Pawnee Agency, Oklahoma (Pawnee, Kaw)
    1. Agency Headquarters. Post office and railroad station, Pawnee 8
    2. Indian Police 1
    3. Pawnee Boarding School, at Agency 16
    4. Kaw Subagency. Post office and railroad station, Kaw. Distances: From railroad, 1 mile; from agency, 51 miles by road or 43 miles by railroad 1
  5. Ponca Agency, Oklahoma (Ponca, Tonkawa, Otoe and Missouriia)
    1. Agency Headquarters. Post office, Ponca City; railroad station, White Eagle. Distance from railroad, 3 miles 9
    2. Otoe Subagency. Post office and railroad station, Red Rock. Distances: From railroad,  $7\frac{1}{2}$  miles; from agency,  $8\frac{1}{2}$  miles by road 2
  6. Shawnee Agency, Oklahoma (Absentee Shawnee, Citizen Potawatomi, Mexican Kickapoo, Sac and Fox, Iowa)
    1. Agency Headquarters. Post office and railroad station, Shawnee. Distance from railroad,  $2\frac{1}{2}$  miles 12

- 1. Office of Commissioner of Indian Affairs—*Continued*
- 11. Administrative Division—*Continued*
- 2. Office of General Superintendent—*Continued*
- 12. Office of District Superintendent No. 9—*Cont'd*
- 6. Shawnee Agency, Oklahoma—*Continued*
- 2. Indian Police 2
- 3. Shawnee Sanatorium, at Agency 13
- 4. Sac and Fox Subagency. Post office and railroad station, Cushing. Distance from agency, 55 miles by road or 53 miles by railroad 1
- 5. St. Mary's Academy Non-Contract Mission Boarding School (Catholic), Sacred Heart. Distance from agency, 35 miles by road
- 13. New York Agency
- 1. Agency Headquarters. Post office and railroad station, Salamanca, New York 3
- 12. Special Attorney for the Pueblos 1
- 13. Special Commissioner to the Navajos 1

## APPENDIX 3

### CLASSIFICATION OF ACTIVITIES

#### EXPLANATORY NOTE

The Classifications of Activities in this series have for their purpose to list and classify in all practicable detail the specific activities engaged in by the several services of the national government. Such statements are of value from a number of standpoints. They furnish, in the first place, the most effective showing that can be made in brief compass of the character of the work performed by the service to which they relate. Secondly, they lay the basis for a system of accounting and reporting that will permit the showing of total expenditures classified according to activities. Finally, taken collectively, they make possible the preparation of a general or consolidated statement of the activities of the government as a whole. Such a statement will reveal in detail, not only what the government is doing, but the services in which the work is being performed. For example, one class of activities that would probably appear in such a classification is that of "scientific research." A subhead under this class would be "chemical research." Under this head would appear the specific lines of investigation under way and the services in which they were being prosecuted. It is hardly necessary to point out the value of such information in planning for future work and in considering the problem of the better distribution and coördination of the work of the government. The institute contemplates attempting such a general listing and classification of the activities of the government upon the completion of the present series.

#### CLASSIFICATION OF ACTIVITIES

1. Making Allotments in Severalty
2. Issuance of Patents in Fee and Certificates of Competency

3. Supervision over Real Estate
  1. Determining heirs and approval of wills
  2. Distribution of property inter vivos
  3. Sale of land
  4. Leasing
  5. Granting rights of way and easements
  6. Administration of forest lands
4. Custody of Indian Money
  1. Tribal funds
  2. Individual money
5. Education of the Indian
6. Furnishing Medical Relief
7. Promoting Industrial Advancement
  1. Through construction and operation of irrigation, water supply, and drainage systems
  2. Through engineering works other than irrigation, water supply, and drainage
  3. Through advances of money
  4. Through promotion of agriculture and stock raising
  5. Through obtaining employment
8. Promotion of Home Economics
9. Support of Indians
10. Policing of Reservations
11. Suppression of Liquor Traffic
12. Control over Traders
13. Supervising Contracts with Attorneys

## APPENDIX 4

### PUBLICATIONS

At present no publication is issued regularly by the Office of Indian Affairs. For some years prior to 1927 the only one issued regularly was the Annual Report of the Commissioner. This was issued each year from 1824 to 1926. It has been announced that the annual reports of the bureaus of the Interior Department will be discontinued with the issue for 1926, and will be superseded by the annual report of the Secretary of the Interior. From 1824 to 1848 the annual report formed part of the report of the Secretary of War, and for many years was also issued separately. After 1848 it formed part of the annual report of the Secretary of the Interior and was also issued as a separate publication. Prior to 1907 it contained as an appendix the reports of the several field agents and superintendents. From 1911 to 1920 the reports contained much detailed statistical material, but since 1920 the amount of statistical matter has been limited.

The Annual Reports of the Commission to the Five Civilized Tribes, the Commissioner to the Five Civilized Tribes, and the Superintendent of the Five Civilized Tribes were issued as parts of the annual reports of the Interior Department and also separately up to and including 1920, the reports for 1894 to 1896 being in the reports of the Department for 1897. The publication of the report of the Superintendent of the Five Civilized Tribes was discontinued after 1920.

The Indian Inspector for the Indian Territory made an Annual Report each year from the time of establishment of the office in the fiscal year 1899 to its consolidation with the Office of Commissioner of the Five Civilized Tribes in 1907. These reports form part of the annual reports of the Department of the Interior and were also published separately.

The Annual Report of the Superintendent of the Union Agency at Muskogee, Oklahoma, was issued separately and formed part



of the reports of the Department of the Interior from 1907 to the discontinuance of the office in 1914. Prior to 1907 it was printed as an appendix to the annual report of the Commissioner in the same forms as reports from other agencies.

The Annual Report of the Superintendent of Indian schools was issued from 1882 until the office was discontinued in 1909. The report for 1882 was entitled "Report of the Inspector of Indian Schools." Up to 1908 the publication was in the annual reports of the Department of the Interior, and was also issued separately, but the separate reports contained an appendix which was not included in the Department report. In 1909 it was issued as a separate only.

The other publications of the Indian Office include rules and regulations and circulars for the guidance of officers of the Service and for the information of persons having dealings with it.

At present five magazines are issued at as many Indian schools, being printed by the Indian students. At times they contain articles of general interest regarding the work of the Service, but their main purpose is the same as that of other school magazines—to stimulate *esprit de corps* and to furnish news items regarding the school and its graduates. The magazines now being published are the following:

Indian Leader, by Haskell Institute, Lawrence, Kansas  
Indian School Journal, by Chilocco School, Chilocco, Oklahoma  
Sherman Bulletin, by Sherman Institute, Riverside, California  
Native American, by the school at Phoenix, Arizona  
Chemawa American, by Salem School, Salem, Oregon

Magazines previously published but discontinued are as follows:

Red Man, by Carlisle School, Carlisle, Pennsylvania, discontinued in 1917  
Indian News, by the school at Genoa, Nebraska, discontinued in 1920  
Ogalala Light, by the school at Pine Ridge, South Dakota, discontinued in 1920  
Peace Pipe, by school at Pipestone, Minnesota, discontinued in 1918

## APPENDIX 5

### LAWS

The laws, executive orders, and proclamations relating to Indian Affairs in effect up to December 1, 1912, and the treaties are contained in *Indian Affairs: Laws, and Treaties*, 3 volumes, by Charles J. Kappler. Volume 1 contains the laws, executive orders, and proclamations up to December 1, 1902, and was issued as Senate Document 319, Fifty-eighth Congress, second session; Volume 2 contains the treaties and was published as Part 2 of the same document.<sup>1</sup> Volume 3 contains the laws, executive orders, and proclamations that took effect between December 1, 1902, and December 1, 1913; it was published as Senate Document 719, Sixty-second Congress, second session. Volume 3 contains also a reprint of the section relating to Indians from volume 22 of the *Cyclopedia of Law and Procedure*, published by the American Law Book Company.

Most of the treaties up to October, 1842, are printed in Volume 7 of the *Statutes at Large*, although a few were omitted and were published in later volumes. Abstracts of all the treaties, with quotations of important provisions, are given in *Indian Education and Civilization*, by Alice C. Fletcher, published as Senate Executive Document 95, Forty-eighth Congress, second session. There were several earlier collections of treaties.

The executive orders relating to Indian reservations have been printed by the Office of Indian Affairs in two pamphlets entitled "Executive Orders relating to Indian Reservations from May 14, 1855, to July 1, 1912," and "Executive Orders relating to Indian Reservations from July 1, 1912, to July 1, 1922."

A digest of federal and state court decisions by Kenneth S. Muchison was published by the Office of Indian Affairs in 1901,

<sup>1</sup> An earlier edition of volumes 1 and 2 was published as Senate Document 452, 57 Cong., 1 sess.

under the title "Digest of decisions relating to Indian Affairs . . . Vol. 1, Judicial." It was intended to issue a second volume containing a digest of the decisions of the Interior Department and the opinions of the Attorney General, but this volume was never published. The Digest of Decisions relating to the Public Lands, Volumes 1 to 50, issued by the Department of the Interior, contains all departmental decisions of importance relating to Indian lands as well as many rulings relating to the status of the Indians. There were also three earlier editions of this digest covering Volumes 1 to 10, Volumes 1 to 20, Volumes 1 to 30, and Volumes 1 to 40 of the Land Decisions.

There are included in the following compilation only the laws that relate to the organization of Indian affairs, the duties of officers of the government, and the general rights, privileges, and restrictions of the Indians in force July 1, 1927. No laws relating to particular tribes or reservations have been included. The laws given must, therefore, be regarded as indicating the general policy of the government; they cannot be applied to particular areas without determining whether special acts apply. The appropriation act for the fiscal year 1928 is given in full in order to show in detail the method of making appropriations.

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## (B) LAWS

**OFFICERS AND EMPLOYEES:****President.<sup>1</sup>**

[1. *Power to make regulations.*] SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs. (Rev. Stat.—June 30, 1834, 4 Stat. L., 738.)

[2. *Superintendence over emigrant tribes.*] SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May 28, 1830, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi"; and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever. (Rev. Stat.—May 28, 1830, 4 Stat. L., 412.)

**Secretary of the Interior.<sup>2</sup>**

[3. *General duties.*] SEC. 441. The Secretary of the Interior is charged with supervision of public business relating to the following subjects:

\* \* \* \*

Third. The Indians . . . (Rev. Stat.—March 3, 1849, 9 Stat. L., 395.)

**Commissioner of Indian Affairs.**

[4. *Appointment.*] SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate. . . .<sup>3</sup> (Rev. Stat.—July 9, 1832, 4 Stat. L., 564.)

<sup>1</sup> Only the general powers of the President are given under this heading; some specific powers are conferred by other acts.

<sup>2</sup> The detailed powers and duties of the Secretary of the Interior are given in the laws below relating to specific subjects. The act of March 3, 1849 (9 Stat. L., 395), creating the Department of the Interior, transferred to the Secretary of the Interior "the supervisory and appellate powers now exercised by the Secretary of the War Department, in relation to all the acts of the Commissioner of Indian Affairs." In the Revised Statutes the Secretary of the Interior is substituted for the Secretary of War in the codification of earlier acts relating to Indian Affairs. The act of March 3, 1849, is not hereafter cited in connection with references to the Revised Statutes.

<sup>3</sup> The remainder of this section fixed the salary, which was modified by later appropriation acts; the position now is placed in Grade 13 with a salary of \$7000 in accordance with the provisions of the Classification Act of 1923 (42 Stat. L., 1488), portions of which are as follows:

"SEC. 3. . . .

"The [Personnel Classification] board shall make all necessary rules and regulations not inconsistent with the provisions of this act and provide such subdivisions of the grades contained in section 13 hereof . . . as it may deem necessary according to the kind and difficulty of the work. Its regulations

[5. *Duties.*]<sup>4</sup> SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian

shall provide for ascertaining and recording the duties of positions and the qualifications required of incumbents, and it shall prepare and publish an adequate statement giving (1) the duties and responsibilities involved in the classes to be established within the several grades, illustrated where necessary by examples of typical tasks, (2) the minimum qualifications required for the satisfactory performance of such duties and tasks, and (3) the titles given to said classes. In performing the foregoing duties, the board shall follow as nearly as practicable the classification made pursuant to the Executive order of October 24, 1921. The board may from time to time designate additional classes within the several grades and may combine, divide, alter, or abolish existing classes. Department heads shall promptly report the duties and responsibilities of new positions to the board. The board shall make necessary adjustments in compensation for positions carrying maintenance and for positions requiring only part-time service.

"SEC. 4. That after consultation with the board, and in accordance with a uniform procedure prescribed by it, the head of each department shall allocate all positions in his department in the District of Columbia to their appropriate grades in the compensation schedules and shall fix the rate of compensation of each employee thereunder, in accordance with the rules prescribed in section 6 herein. Such allocations shall be reviewed and may be revised by the board and shall become final upon their approval by said board. Whenever an existing position or a position hereafter created by law shall not fairly and reasonably be allocable to one of the grades of the several services described in the compensation schedules, the board shall adopt for such position the range of compensation prescribed for a grade, or a class thereof, comparable therewith as to qualifications and duties.

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"SEC. 13. That the compensation schedules shall be as follows:

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"The clerical, administrative, and fiscal service shall include all classes of positions the duties of which are to perform clerical, administrative, or accounting work, or any other work commonly associated with office, business, or fiscal administration.

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"Grade thirteen, in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to act as chief of a large bureau or a bureau having important administrative or investigative functions in case professional or scientific training is not required, or to perform work of similar importance, difficulty, and responsibility.

"The annual rates of compensation for positions in this grade shall be \$6,000, \$6,500, \$7,000, and \$7,500, unless a higher rate is specifically authorized by law. . . ."

<sup>4</sup> The detailed duties are given in the laws below relating to specific subjects.

affairs, and of all matters arising out of Indian relations. (Rev. Stat.—July 9, 1832, 4 Stat. L., 564.)

[6.] SEC. 7. That it shall be the duty of the Commissioner of Indian Affairs to cause to be compiled and printed for the use of Indian agents and inspectors the provisions of the statutes regulating the performance of their respective duties, and also to furnish said officers from time to time information of new enactments upon the same subject. (May 17, 1882, 22 Stat. L., 88.)

[7.] SEC. 464. All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the commissioner for administrative examination, and by him passed to the proper accounting officer of the Department of the Treasury,<sup>a</sup> for settlement. (Rev. Stat.—July 9, 1832, 4 Stat. L., 564.)

[8. *Employee to sign letters.*] That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner. (March 3, 1909, 35 Stat. L., 783.)

#### Board of Indian Commissioners.

[9. *Appointment of members.*] SEC. 2039. There shall be a board of Indian Commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation. (Rev. Stat.—April 10, 1869, 16 Stat. L., 40; July 15, 1870, 16 Stat. L., 360.)

[10. *Appointment of secretary.*] SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board. (Rev. Stat.—July 15, 1870, 16 Stat. L., 360.)

[11.] . . . That hereafter the Board of Indian Commissioners is authorized to employ a secretary, not a member of said board, and pay his salary out of the appropriations . . . made for said board. . . . (August 24, 1912, 37 Stat. L., 521.)

[12. *Duties of Board of Indian Commissioners.*] . . . And hereafter the commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The commission shall report their doings to the Secretary of the Interior. (May 17, 1882, 22 Stat. L., 70.)<sup>a</sup>

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<sup>a</sup> By the act of June 10, 1921 (42 Stat. L., 24), all the duties of the Treasury Department as regard settlement of accounts were transferred to the General Accounting Office.

<sup>a</sup> Superseded, but does not expressly repeal Sections 2041 and 2042, Revised Statutes.

**Inspectors.**

[13. *Appointment.*] SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of inspectors, not exceeding three in number, to perform the duties required of such inspectors by the provisions of this title [xxviii, Indians, Revised Statutes]. Each inspector shall hold his office for four years, unless sooner removed by the President. (Rev. Stat. as amended March 3, 1875, 18 Stat. L., 422—Feb. 14, 1873, 17 Stat. L., 463.)<sup>1</sup>

[14. *Salary and expenses.*] SEC. 2044. Each inspector shall receive an annual salary of \$3,000 and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior. (Rev. Stat.—February 14, 1873, 17 Stat. L., 463.)<sup>2</sup>

[15. *Powers and duties.*] SEC. 2045. Each Indian superintendency and agency shall be visited and examined by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or the agency including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian Service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employee, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors. (Rev. Stat. as amended March 3, 1875, 18 Stat. L., 422.—February 14, 1873, 17 Stat. L., 463.)

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<sup>1</sup> The number of inspectors was changed in later acts by appropriating for a different number each year; for the fiscal year 1928 the number appropriated for is three. They are now appointed by the Secretary of the Interior.

<sup>2</sup> The salary and allowances for expenses have been changed by later appropriation acts. At present the salary is fixed in accordance with the Classification Act of 1923, the inspectors are reimbursed for traveling and incidental expenses in accordance with the provisions of the act of June 3, 1926 (44 Stat. L., 698), applying to all government services.

**Agents.<sup>9</sup>**

[16. *Appointment.*] SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.

Fourteen for the tribes east of the Rocky Mountains and north of New Mexico and Texas.

Seven for the tribes in New Mexico.

Three for the tribes in the Territory of Washington.

One for the tribes in Kansas.

One for the Kickapoos.

One for the Delawares.

Two for the tribes in Utah.

One for the Poncas.

One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.

Four for the tribes in California, at an annual salary of eighteen hundred dollars each.

Three for the tribes in Texas.

One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars. (Rev. Stat.)<sup>20</sup>

[17. *Term of office.*] SEC. 2056. Each Indian agent shall hold his office for the term of four years, and until his successor is duly appointed and qualified. (Rev. Stat. as amended May 17, 1882, 22 Stat. L., 87.—February 27, 1851, 9 Stat. L., 487; April 8, 1864, 13 Stat. L., 40.)

[18. *Salary.*] SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of \$1,500 a year except as herein otherwise provided for. (Rev. Stat., as amended February 27, 1877, 19 Stat. L., 214.)<sup>21</sup>

[19.] SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or subagent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or subagents. (Rev. Stat.—May 31, 1832, 4 Stat. L., 520.)

[20. *Limits of agencies.*] SEC. 2066. The limits of each superintendency, agency, and subagency shall be established by the Secretary of the Interior,

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<sup>9</sup> The provisions relating to appointment, term of office, and salaries of agents are obsolete, as agents are no longer appointed. The provisions relating to the duties apply to the superintendents, who have succeeded the agents.

<sup>20</sup> This is the provision made for agents at the time the Revised Statutes were enacted. The number of agents varied both before and after the enactment of the Revised Statutes, changes being made almost every year. The provision for appointment by the President goes back to the act of June 30, 1834 (4 Stat. L., 735).

<sup>21</sup> Later appropriation acts made some changes in salaries at specific posts for the period of the appropriation only. Salaries are now fixed in accordance with the Classification Act of 1923 (43 Stat. L., 704; 44 Stat. L., 1051).

either by tribes or geographical boundaries. (Rev. Stat.—June 30, 1834, 4 Stat. L., 736; March 3, 1847, 9 Stat. L., 203.)

[21. *Residence.*] SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. (Rev. Stat.—June 30, 1834, 4 Stat. L., 736.)

[22.] SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of violation of this section to the President, with the request that the agents offending be at once removed from office. (Rev. Stat.—April 8, 1864, 13 Stat. L., 41.)

[23. *Bond.*] SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require. (Rev. Stat.—Feb. 27, 1851, 9 Stat. L., 587.)

[24. *Duties.*] SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs. (Rev. Stat.—June 30, 1834, 4 Stat. L., 736; June 5, 1850, 9 Stat. L., 437; February 27, 1851, 9 Stat. L., 587.)

[25.] That hereafter Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds. (July 1, 1898, 30 Stat. L., 595.)

[26.] SEC. 10. Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than \$500 nor more than \$1,000, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said act. (March 3, 1875, 18 Stat. L., 451, as reenacted March 3, 1909, 35 Stat. L., 784.)

[27.] SEC. 9. That hereafter each Indian agent shall be required, in his annual report, to submit a census of the Indians at his agency or upon the reservation under his charge, the number of males above eighteen years of

age, the number of females above fourteen years of age, the number of school children between the ages of six and sixteen years, the number of schoolhouses at his agency, the number of schools in operation and the attendance at each, and the names of teachers employed and salaries paid such teachers. (July 4, 1884, 23 Stat. L., 98.)

[28.] SEC. 2119. Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him. (Rev. Stat.—June 14, 1862, 12 Stat. L., 427.)

[29.] SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace. (Rev. Stat.—March 3, 1855, 10 Stat. L., 701.)

[30.] SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian Affairs. (Rev. Stat.—July 15, 1870, 16 Stat. L., 360.)<sup>22</sup>

[31. *Discontinuance of agencies and transfer of duties.*] SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary. (Rev. Stat.—June 22, 1874, 18 Stat. L., 147; March 3, 1875, 18 Stat. L., 421.)

[32.] SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribes as the public service may require. (Rev. Stat.—June 30, 1834, 4 Stat. L., 735.)

[33.] SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such agents, sub-agents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the emigration of the Indians, or other causes. (Rev. Stat. as amended February 27, 1877, 19 Stat. L., 244—July 9, 1832, 4 Stat. L., 564.)

[34.] SEC. 6. That the President may, in his discretion, consolidate two or more agencies into one, and where Indians are located on reservations created by executive order he may, with the consent of the tribes to be

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<sup>22</sup> This is obsolete, as all the general superintendencies have been abolished.



affected thereby, expressed in the usual manner, consolidate one or more tribes, and abolish such agencies as are thereby rendered unnecessary. . . . (May 17, 1882, 22 Stat. L., 88; July 4, 1884, 23 Stat. L., 97.)<sup>13</sup>

[35.] . . . That hereafter the President may detail officers of the United States Army to act as Indian agents at such agencies as in the opinion of the President may require the presence of an Army officer, and while acting as Indian agents such officers shall be under the orders and direction of the Secretary of the Interior. . . . (July 1, 1898, 30 Stat. L., 573.)<sup>14</sup>

[36.] . . . and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents.

That the pay of any superintendent who performs agency duties in addition to those of his superintendency may be increased by the Commissioner of Indian Affairs, in his discretion, to an extent not exceeding \$300 per annum. (March 1, 1907, 34 Stat. L., 1020.)<sup>15</sup>

#### Subagents.

[37. *Appointment and salary.*] SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of \$1,000 a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of \$1,000, for the faithful execution of their duties. But no subagent shall be appointed who shall reside within the limits of any agency where there is an agent appointed. (Rev. Stat.—June 30, 1834, 4 Stat. L., 736.)

#### Disbursing Officers.<sup>16</sup>

[38. *Bond*] SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[39.] . . . That hereafter when it becomes necessary to make large per capita payments to Indians, the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is authorized to require any dis-

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<sup>13</sup> Identical provisions in both acts.

<sup>14</sup> Superseded, but does not expressly repeal, SEC. 2062 Revised Statutes, and a portion of the act of July 13, 1892 (27 Stat. L., 120).

<sup>15</sup> The provisions of the first paragraph were carried in essentially the same form in each appropriation act from that of March 3, 1893 (27 Stat. L., 614) to that of March 1, 1907, quoted above.

The second paragraph is superseded by the Classification Act of 1923 (43 Stat. L., 704; 44 Stat. L., 1051).

<sup>16</sup> There are given here only the special provisions relating to disbursing officers in the Indian Service. There are many general laws governing all disbursing officers.

bursing officer of the Indian Department to file a special bond in such amount as may be necessary to make such payments in one installment, the expenses incurred in procuring such special bond to be paid by the United States from this appropriation [for contingencies of the Indian Service]. (April 21, 1904, 33 Stat. L., 191.)

[40.] Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved. (April 30, 1908, 35 Stat. L., 71.)

[41. *Settlement of accounts.*] SEC. 2092. No superintendent of Indian Affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until such agent or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior. (Rev. Stat.—June 27, 1846, 9 Stat. L., 20.)

[42. *Designation of clerks as disbursing officers.*] That any disbursing agent of the Indian Service, with the approval of the Commissioner of Indian Affairs, may authorize a clerk employed in his office to act in his place and discharge all the duties devolved upon him by law or regulations during such time as he may be unable to perform the duties of his position because of absence, physical disability, or other disqualifying circumstances: *Provided*, That the official bond given by the disbursing agent to the United States shall be held to cover and apply to the acts of the employee authorized to act in his place, who shall give bond to the disbursing agent in such sums as the latter may require, and with respect to any and all acts performed by him while acting for his principal, shall be subject to all the liabilities and penalties prescribed by law for official misconduct of disbursing agents. (February 14, 1920, 41 Stat. L., 414.)

#### Other Officers and Employees.

[43. *Special agents and commissioners.*] SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior. (Rev. Stat.—March 3, 1863, 12 Stat. L., 792.)

[44. *Commissioner to negotiate commutation of annuities.*] That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper. (April 30, 1908, 35 Stat. L., 73.)

[45. *District attorneys to represent Indians.*] . . . In all States and Territories where there are reservations or allotted Indians the United States district attorney shall represent them in all suits at law and in equity. (March 3, 1893, 27 Stat. L., 631.)

[46. *Farmers.*] To enable the Commissioner of Indian Affairs to employ practical farmers and practical stockmen, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, in addition to the agency farmers now employed, at wages not exceeding \$75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$125,000: *Provided*, That the amounts paid such farmers and stockmen shall not come within the limits for employees fixed by the act of June 7, 1897 [Entry 320]: *Provided further*, That the Commissioner of Indian Affairs may employ additional farmers at any Indian school at not exceeding \$60 per month, subject only to such examination as to qualifications as the Secretary of the Interior may prescribe, said farmers to be in addition to the school farmers now employed. (April 30, 1908, 35 Stat. L., 75.)

[47.] . . . That hereafter no money shall be expended for the employment of any farmer or expert farmer at a salary of or in excess of \$50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State in which his services are to be rendered or by the president or dean of the State agricultural college of an adjoining state: *Provided*, That this provision shall not apply to persons employed in the Indian Service as farmer or expert farmer prior to January 1, 1917: *Provided further*, That this shall not apply to Indians employed or to be employed as assistant farmer. . . . (May 25, 1918, 40 Stat. L., 565.)

[48. *Interpreters.*] SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nominated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[49.] . . . That hereafter no person employed by the United States and paid for any other service shall be paid for interpreting. (April 4, 1910, 36 Stat. L., 272.)

[50. *Employment of Indians.*] SEC. 2069. In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[51.] SEC. 6. . . and preference shall at all times, as far as practicable, be given to Indians in the employment of clerical, mechanical, and other help on reservations and about agencies. (May 17, 1882, 22 Stat. L., 88.)<sup>37</sup>

[52.] SEC. 5. . . And hereafter in the employment of Indian police, or any other employees in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act [making allotments in severalty] and become citizens of the United States shall be preferred. (February 8, 1887, 24 Stat. L., 390.)

[53.] SEC. 10. That in the Indian Service Indians shall be employed as herders, teamsters, and laborers, and where practicable in all other employments in connection with the agencies and the Indian Service. And it shall be the duty of the Secretary of the Interior and the Commissioner of Indian Affairs to enforce this provision. (August 15, 1894, 28 Stat. L., 313.)

[54.] That hereafter the Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is practicable to do so. (June 7, 1897, 30 Stat. L., 83.)

[55.] . . . That so far as practicable Indian labor shall be employed. (June 25, 1910, 36 Stat., 861.)

[56. *Superintendent of Indian Schools.*] SEC. 10. That there shall be appointed by the President, by and with the advice and consent of the Senate, a person of knowledge and experience in the management, training, and practical education of children, to be superintendent of Indian schools, whose duty it shall be to visit and inspect the schools in which Indians are taught in whole or in part from appropriations from the United States Treasury, and report to the Commissioner of Indian Affairs, what, in his judgment, are the defects, if any, in any of them, in system, in administration, or in means for the most effective advancement of the pupils therein toward civilization and self-support, and what changes are needed to remedy such defects as may exist, and to perform such other duties in connection with Indian schools as may be prescribed by the Secretary of the Interior. . . . (March 2, 1889, 25 Stat. L., 1003.)

[57. *Superintendents of Irrigation.*] . . . That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number. (April 4, 1910, 36 Stat. L., 271.)

[58. *Tribes to direct employment of certain persons.*] SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

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<sup>37</sup> Repeated in several later acts.

<sup>38</sup> Obsolete, as position is not filled.

**General Provisions Regarding Employees.**

[59. *Employees not to trade with Indians.*] SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein shall be liable to a penalty of \$5,000, and shall be removed from his office. (Rev. Stat.—June 30, 1834, 4 Stat. L., 738.)

[60. *Employees not to have part in contracts.*] SEC. 10. That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same. The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than \$500 nor more than \$5,000, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. (June 22, 1874, 18 Stat. L., 177.)

[61. *Holding two offices; leave of absence.*] SEC. 2074. No person shall hold more than one office at the same time under this title [xxviii, Indians, Revised Statutes], nor shall any agent, subagent, interpreter, or person employed under this title, receive his salary while absent from his agency or employment without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[62. *Limit on compensation.*] SEC. 2076. The several compensations prescribed by this title [xxviii, Indians, Revised Statutes] shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)<sup>19</sup>

[63. *Traveling expenses.*]<sup>20</sup> SEC. 2077. Where persons are required, in the performance of their duties under this title [xxviii, Indians, Revised Statutes], to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[64.]<sup>20</sup> . . . That when it becomes necessary to detail clerks and other employees of the Indian Service outside of Washington to assist in the opening of bids, making contracts, and shipping goods, they may be allowed a per diem of not exceeding four dollars per day for hotel and other expenses,

<sup>19</sup> Obsolete.

<sup>20</sup> Superseded by act of June 3, 1926 (44 Stat. L., 698), applying to all government services.

which per diem shall be in lieu of all expenses now authorized by law, exclusive of railway transportation and sleeping car fare. (May 17, 1882, 22 Stat. L., 86.)

[65. *Heat, light, and quarters for employees.*] That the Secretary of the Interior, in his discretion, may allow quarters, fuel, and light to employees of the Indian Service whose compensation is not prescribed by law, the salaries of such employees to be fixed on this basis and the cost of providing quarters, fuel, and light to be paid from any funds which are applicable and available therefor: *Provided*, That this authorization shall be retroactive to the extent of approving any expenditures for such purposes heretofore authorized by the Secretary of the Interior.<sup>21</sup> (June 7, 1924, 43 Stat. L., 634.)

[66.] That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place.<sup>21</sup> (March 3, 1925, 43 Stat. L., 1147.)

#### Administration of Oaths.

[67. *Oaths in connection with investigations.*] . . . That hereafter each special agent, supervisor of schools, or other official charged with the investigation of Indian agencies and schools, in the pursuit of his official duties shall have power to administer oaths and to examine on oath all officers and persons employed in the Indian Service and all such other persons as may be deemed necessary and proper. (March 1, 1899, 30 Stat. L., 927.)

[68. *Oath of office.*] That superintendents and acting superintendents in charge of Indian reservations, schools, irrigation and allotment projects are authorized and empowered to administer the oath of office required of employees placed under their jurisdiction. (June 30, 1913, 38 Stat. L., 80.)

[69. *Oaths to expense accounts.*] SEC. 8. . . the superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, . . . are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand . . . by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and . . . no fee or money paid for the services herein described shall be paid or reimbursed by the United States. (August 24, 1912, 37 Stat. L., 487.)

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<sup>21</sup> The provisions of Entries 65 and 66 are not in force by reason of the decision of the Comptroller General of July 16, 1925 (5 Comp. Gen. 37). Section 1765 of the Revised Statutes prohibits the receipt of allowance by persons whose salaries are fixed by law and it was held that salaries established under the Classification Act are fixed by law within the meaning of section 1765. Therefore at present deductions are made from salaries if quarters are furnished.

**RELATIONS WITH INDIANS:** <sup>22</sup>**Treaties.**

[70. *Treaties prohibited.*] SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired. (Rev. Stat.—March 3, 1871, 16 Stat. L., 566.)

[71. *Abrogation of treaties.*] SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe if in his opinion the same can be done consistently with good faith and legal and national obligations. (Rev. Stat.—July 5, 1862, 12 Stat. L., 528.)

**Trading.**

[72. *Regulation by Commissioner of Indian Affairs.*] <sup>23</sup> SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians. (August 15, 1876, 19 Stat. L., 200.)

[73.] <sup>24</sup> SEC. 10. That that portion of the act of Congress approved March 3, 1901 (Thirty-first Statutes, page 1065), entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," which reads as follows: "That on and after July 1, 1901, any person desiring to trade with the Indians on said [Osage] reservation shall, upon establishing the fact to the satisfaction of the Commissioner of Indian Affairs that he is a proper person to engage in such trade, be permitted to do so under such rules and regulations as the Commissioner of Indian Affairs may prescribe for the protection of said Indians," is hereby amended and extended so as to apply to all Indian reservations. (March 3, 1903, 32 Stat. L., 1009.)

[74. *Prohibition of trade by President.*] SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued. (Rev. Stat.—June 30, 1834, 4 Stat. L., 729.)

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<sup>22</sup> Only general provisions are given under this heading; other provisions are given under the heading "Offenses in Indian Country and against Indians" and under other headings if specific laws have been passed.

<sup>23</sup> Entries 72 and 73 supersede but do not specifically repeal Sections 2128 to 2131, Revised Statutes.

[75. *Sale of arms to Indians.*] SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same. (Rev. Stat.—February 14, 1873, 17 Stat. L., 457.)

[76.] SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied. (Rev. Stat.—February 14, 1873, 17 Stat. L., 459.)

[77. *Prohibited purchases and sales.*] SEC. 2135. Every person, other than an Indian who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[78. *Trading without license; white persons as clerks.*] SEC. 2133. Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of \$500: *Provided*, That this section shall not apply to any person residing among or trading with the Choctaws, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the Five Civilized Tribes, residing in said Indian country, and belonging to the Union agency therein: *And provided further*, That no white person shall be employed as a clerk by any Indian trader, except such as trade with said Five Civilized Tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior. (Rev. Stat., as amended July 31, 1882, 22 Stat. L., 179.—June 30, 1834, 4 Stat. L., 729.)

[79. *Contracts or purchases by private persons.*] SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person, who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of \$1,000. The agent of any state who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the



Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[80.] No contract made with any Indian, where such contract relates to the tribal funds or property in the hands of the United States, shall be valid, nor shall any payment for services rendered in relation thereto be made unless the consent of the United States has previously been given. (June 30, 1913, 38 Stat. L., 97.)

[81.] SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, or for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and the extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any one else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for

the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid. (Rev. Stat.—March 3, 1871, 16 Stat. L., 570; May 21, 1872, 17 Stat. L., 136.)

[82.] SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract. (Rev. Stat.—May 21, 1872, 17 Stat. L., 136.)

[83.] SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months and by a fine of not less than \$1,000. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office or profit or trust under the same. (Rev. Stat.—March 3, 1871, 16 Stat. L., 570.)

[84.] SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also endorsed thereon. (Rev. Stat.—May 21, 1872, 17 Stat. L., 136.)

#### **Status of Indians in Territories.**

[85. *Rights of Indians in Territories.*] SEC. 1839. Nothing in this title [xxiii, Territories, Revised Statutes] shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any state or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory (Rev. Stat.)<sup>24</sup>

<sup>24</sup> This and the following section of the Revised Statutes are based on a number of earlier acts creating territories.

[86. *Authority to regulate Indians in Territories.*] SEC. 1840. Nor shall anything in this title [xxiii, Territories, Revised Statutes] be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory. (Rev. Stat.)

#### OFFENSES IN INDIAN COUNTRY.

##### Enforcement of Laws.

[87. *Use of military forces.*] SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country. (Rev. Stat.—June 30, 1834, 4 Stat. L., 732.)

[88.] SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit. (Rev. Stat.—June 30, 1834, 4 Stat. L., 733.)

[89. *Posse comitatus.*] SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services. (Rev. Stat.—June 14, 1858, 11 Stat. L., 363.)

[90. *Arrest of fugitives.*] SEC. 2152. The superintendents, agents, and subagents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes. (Rev. Stat.—June 30, 1834, 4 Stat. L., 732.)

[91. *Recovery of penalties.*] SEC. 2124. All penalties which shall accrue under this title [xxvii, Indians, Revised Statutes] shall be sued for and

recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use. (Rev. Stat.—June 30, 1834, 4 Stat. L., 733.)

[92. *Proceedings against goods seized for violation of laws.*] SEC. 2125. When goods or other property shall be seized for any violation of this title [xxvii, Indians, Revised Statutes], it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws. (Rev. Stat.—June 30, 1834, 4 Stat. L., 733.)

#### Offenses by Whites or Indians.

[93. *Crimes in general.*] SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this title [xxviii, Indians, Revised Statutes], the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country (Rev. Stat.—June 30, 1834, 4 Stat. L., 733; March 27, 1854, 10 Stat. L., 270.)

[94.] SEC. 2146. The preceding section shall not be construed to extend to crimes committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulation, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively. (Rev. Stat., as amended February 18, 1875, 18 Stat. L., 318—March 27, 1854, 10 Stat. L., 270.)

[95. *Forgery and depredations on mails.*] SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country. (Rev. Stat.—March 3, 1855, 10 Stat. L., 700.)

[96. *Setting fire to buildings.*] SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, outhouse, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, outhouse, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable by imprisonment at hard labor for not more than twenty-one years, nor less than two years. (Rev. Stat.—March 27, 1854, 10 Stat. L., 270.)

[97. *Assault.*] SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year. (Rev. Stat.—March 27, 1854, 10 Stat. L., 270.)

[98. *Inducing Indian to convey land.*] SEC. 5. That it shall be unlawful for any person to induce any Indian to execute any contract, deed, mortgage, or other instrument purporting to convey any land or any interest therein held by the United States in trust for such Indian, or to offer any such contract, deed, mortgage, or other instrument for record in the office of any recorder of deeds. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500 for the first offense, and if convicted for a second offense may be punished by a fine not exceeding \$500 or imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That this section shall not apply to any lease or other contract authorized by law to be made. (June 25, 1910, 36 Stat. L., 857.)

[99. *Intoxicating liquors.*] SEC. 2139. No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian under charge of any Indian superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, wine, beer, or intoxicating liquor of any kind into the Indian country shall be punished by imprisonment for not more than two years, and by fine of not more than \$300 for each offense. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department. All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation, and, if in the Indian Territory, before the United States Court Commissioner, or Commissioner of the Circuit Court of the United States residing nearest the place where the offense was committed, who is not for any reason disqualified; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense.<sup>25</sup> (Rev. Stat., as reenacted July 23, 1892, 27 Stat. L., 260.—July 9, 1832, 4 Stat. L., 564; March 15, 1864, 13 Stat. L., 29; February 27, 1877, 19 Stat. L., 244.)

[100.] SEC. 2140. If any superintendent of Indian affairs, Indian agent, or subagent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, subagent, or commanding officer may cause the boats, stores, packages, wagons, sleds, and places of deposit of such

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<sup>25</sup> See also Entry 106, which amends this act in general terms.

person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses. (Rev. Stat.—March 15, 1864, 13 Stat. L., 29.)

[101.] . . . and no part of section 2139<sup>30</sup> or of section 2140<sup>31</sup> of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attaché, or employee of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian. (July 4, 1884, 23 Stat. L., 94.)

[102.] . . . and the powers conferred by section 2140<sup>32</sup> of the Revised Statutes upon Indian agents, and subagents, and commanding officers of military posts are . . . conferred upon the special agent of the Indian Bureau for the suppression of the liquor traffic among Indians and in the Indian country and duly authorized deputies working under his supervision. (March 1, 1907, 34 Stat. L., 1017.)

[103.] . . . That automobiles or any other vehicles or conveyances used in introducing, or attempting to introduce, intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other person, shall be subject to the seizure, libel, and forfeiture provided in section 2140<sup>33</sup> of the Revised Statutes of the United States. (March 2, 1917, 39 Stat. L., 970.)

[104.] SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or subagent, within the limits of whose agency any distillery of ardent spirits in set up or continued, shall forthwith destroy and break up the same. (Rev. Stat.—June 30, 1834, 4 Stat. L., 732.)

[105.] . . . The provisions of sections 2140<sup>34</sup> and 2141<sup>35</sup> of the Revised Statutes of the United States shall also apply to beer and other intoxicating liquors named in the act of January 30, 1897<sup>36</sup> (Twenty-ninth Statutes at Large, page 506), and the possession by a person of intoxicating liquors in

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<sup>30</sup> See Entry 99.

<sup>31</sup> See Entry 100.

<sup>32</sup> See Entry 100.

<sup>33</sup> See Entry 100.

<sup>34</sup> See Entry 104.

<sup>35</sup> See Entry 106.

the country where the introduction is prohibited by treaty or Federal statute shall be *prima facie* evidence of unlawful introduction. (May 18, 1916, 39 Stat. L., 124.)

[106.] That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall be punished by imprisonment for not less than sixty days, and by a fine of not less than \$100 for the first offense and not less than \$200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the act of the 23d day of July,<sup>88</sup> 1892, as is inconsistent with the provisions of this act is hereby repealed. (January 30, 1897, 29 Stat. L., 506.)

[107.] . . . That hereafter it shall not be unlawful to introduce and use wines solely for sacramental purposes, under church authority, at any place within the Indian country or any Indian reservation, including the Pueblo Reservations in New Mexico: *Provided, also*, That the powers conferred by section 788<sup>88</sup> of the Revised Statutes upon marshals and their deputies are hereby conferred upon the chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior. (August 24, 1912, 37 Stat. L., 519.)

[108.] . . . That on and after July 1, 1919, possession by a person of intoxicating liquors in the Indian country or where the introduction is or was prohibited by treaty or Federal statute shall be an offense and punished in accordance with the provisions of the acts of July 23, 1892<sup>88</sup> (Twenty-

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<sup>88</sup> See Entry 99.

<sup>88</sup> Section 788 of the Revised Statutes reads as follows: "The marshals and their deputies shall have, in each state, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such state may have, by law, in executing the laws thereof."

seventh Statutes at Large, page 260), and January 30, 1897<sup>11</sup> (Twenty-ninth Statutes at Large, page 506): *Provided further*, That the provisions of Article IX of the agreement with the Nez Percé Indians of Idaho, dated May 1, 1893, and ratified and confirmed by the Act of Congress approved August 15, 1894 (Twenty-eighth Statutes at Large, pages 286-330), prohibiting the sale of intoxicating liquors to those Indians or its introduction upon their lands, are hereby extended for the period of ten years. (June 30, 1919, 41 Stat. L., 4.)

[109. *Removal of live stock.*] SEC. 2138. That where restricted Indians are in possession or control of live stock purchased for or issued to them by the Government, or the increase therefrom, such stock shall not be sold, transferred, mortgaged, or otherwise disposed of, except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of the live stock belongs, and all transactions in violation of this provision shall be void. All such live stock so purchased or issued and the increase therefrom belonging to restricted Indians and grazed in the Indian country shall be branded with the I D or reservation brand of the jurisdiction to which the owners of such stock belong, and shall not be removed from the Indian country except with the consent in writing of the superintendent or other officer in charge of the tribe to which the owner or possessor of such live stock belongs, or by order of the Secretary of War, in connection with the movement of troops. Every person who violates the provisions of this section by selling or otherwise disposing of such stock, purchasing, or otherwise acquiring an interest therein, or by removing such stock from the Indian country, shall be fined in any sum not more than \$1,000, or imprisoned for not more than six months, or both such fine and imprisonment. (Rev. Stat., as reenacted June 5, 1919, 41 Stat. L., 9.)

[110. *Purchase of cattle by persons not members of tribe.*] That where Indians are in possession or control of cattle or their increase which have been purchased by the Government such cattle shall not be sold to any person not a member of the tribe to which the owners of the cattle belong or to any citizen of the United States whether intermarried with the Indians or not except with the consent in writing of the agent of the tribe to which the owner or possessor of the cattle belongs. And all sales made in violation of this provision shall be void and the offending purchaser on conviction thereof shall be fined not less than \$500 and imprisoned not less than six months. (July 4, 1884, 23 Stat. L., 94.)

[111. *Timber depredations.*] SEC. 50. Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States,

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<sup>11</sup> See Entry 106.



shall be fined not more than \$500, or imprisoned not more than one year, or both. (March 4, 1909, 35 Stat. L., 1098, as reenacted June 25, 1910, 36 Stat. L., 857.)

[112. *Penalty for not extinguishing fires.*] SEC. 53. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000, or imprisoned not more than one year, or both. (March 4, 1909, 35 Stat. L., 1098, as reenacted June 25, 1910, 36 Stat. L., 857.)

**Offenses by whites.**

[113. *Removal from Indian country.*] <sup>85</sup> SEC. 2147. The superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[114. *Return after removal from Indian country.*] SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of \$1000. (Rev. Stat.—August 18, 1856, 11 Stat. L., 80.)

[115. *Foreigners entering Indian country without passport.*] SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or subagent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of \$1000. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[116. *Seditious messages.*] SEC. 2111. Every person who sends any talk, message, or letter to any Indian nation, tribe, chief, or individual, with intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of \$2000. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731.)

[117.] SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or State, is liable to a penalty of \$1000. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731.)

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<sup>85</sup> For power to remove from reservation, see Entry 144.

[118.] SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with a foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of \$1000. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731.)

[119. *Trespass.*] SEC. 2117. Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.<sup>38</sup> (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[120.] SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of \$1000. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[121.] SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of \$500. (Rev. Stat.—June 30, 1834, 4 Stat. L., 730.)

[122. *Reparation for injury to property of Indians.*] SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731.)

[123.] SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731.)

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<sup>38</sup> The act of March 1, 1901 (31 Stat. L., 871), provided that this section should not apply to Creek land.

**Offenses by Indians.<sup>37</sup>**

[124. *Crimes against Indians or others.*] SEC. 328. All Indians committing against the person or property of another Indian or other person any of the following crimes, namely—murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above named crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the offense of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court. (March 4, 1909, 35 Stat. L., 1151.)

[125. *Injuries to property by Indians.*] SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or subagent, who upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent or subagent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury. (Rev. Stat.—June 30, 1834, 4 Stat. L., 731, February 28, 1859, 11 Stat. L., 401.)

[126.] SEC. 2157. The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections,<sup>38</sup> and to administer oaths to the deponents. (Rev. Stat.—June 30, 1834, 4 Stat. L., 732.)

[127. *Trespassing on lands of civilized Indians.*] SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty

<sup>37</sup> See also Entries 93-112.

<sup>38</sup> For these sections see Entries 122, 123, and 125.

by allotment, as mentioned in the preceding section,<sup>39</sup> commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured. (Rev. Stat.—June 14, 1862, 12 Stat. L., 427.)

[128.] SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or headman of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith, but the chief or headman may be sooner restored to his former standing if the superintendent shall so direct. (Rev. Stat.—June 14, 1862, 12 Stat. L., 427.)

[129. *Record of arrest of Indians.*] . . . Hereafter whenever an Indian shall be incarcerated in an agency jail, or any other place of confinement, on an Indian reservation or at an Indian school, a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office. (August 1, 1914, 38 Stat. L., 586.)

#### RESERVATIONS.

[130. *Limitation on creation of reservations and change in boundaries.*] SEC. 27. That hereafter no public lands of the United States shall be withdrawn by Executive order, proclamation, or otherwise, for or as an Indian reservation except by act of Congress. (June 30, 1919, 41 Stat. L., 34.)<sup>40</sup>

[131. *Exchange of private lands in Executive order reservations.*] That any private land over which an Indian reservation has been extended by Executive order, may be exchanged at the discretion of the Secretary of the Interior and at the expense of the owner thereof and under such rules and regulations as may be prescribed by the Secretary of the Interior, for vacant, nonmineral, nontimbered, surveyed public lands of equal area and value and situated in the same State or Territory. (April 21, 1904, 33 Stat. L., 211.)

[132. *Survey of reservations.*] SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed. (Rev. Stat.—April 8, 1864, 13 Stat. L., 41.)

<sup>39</sup> For Section 2119 see Entry 28.

<sup>40</sup> Supersedes but does not expressly repeal a portion of the act of May 25, 1918 (40 Stat. L., 570), providing that additional reservations shall not be created in Arizona and New Mexico. For prohibition of changes in boundaries of Executive order reservations, see Section 4 of act of March 3, 1927, 44 Stat. L., 1347 (Entry 203).

[133.] . . . That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations. (April 4, 1910, 36 Stat. L., 270.)

[134. *Construction of highways.*] <sup>41</sup> The Secretary of Agriculture is authorized to cooperate with the State highways departments, and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located. (November 9, 1921, 42 Stat. L., 212.)

[135. *Sale or transfer of property on reservations.*] SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States and are no longer necessary for such purposes. (Rev. Stat.—March 3, 1843, 5 Stat. L., 611.)

[136.] SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land, not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements. (Rev. Stat.—March 3, 1843, 5 Stat. L., 611.)

[137.] That hereafter where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of said reservations or schools, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations or schools where it may be required. (March 1, 1907, 34 Stat. L., 1016.)

[138.] SEC. 6. That whenever there is on hand at any of the Indian reservations Government property not required for the use and benefit of the Indians on such reservations, the Secretary of the Interior is authorized to cause any such property to be transferred to any other Indian reservation where it may be used advantageously, or to cause it to be sold and the proceeds thereof deposited and covered into the Treasury in conformity with section 3618 of the Revised Statutes of the United States.<sup>42</sup> (July 1, 1898, 30 Stat. L., 596, as reenacted June 25, 1910, 36 Stat. L., 861.)

[139.] That the Secretary of the Interior is . . . authorized to cause to be sold to the highest bidder, under such rules and regulations as he may prescribe, any tract or part of a tract of land purchased by the United States for

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<sup>41</sup> For right of way for highways, see Entry 210.

<sup>42</sup> Section 3618, Revised Statutes, provides for the deposit in the Treasury to the credit of miscellaneous receipts of the proceeds of the sale of government property; the law is of general application to all government services.

day school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the net proceeds therefrom in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in fee simple for such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land so conveyed as the land which had been purchased: *Provided*, That where the purchase price was paid from tribal funds such proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians. (March 2, 1917, 39 Stat. L., 973.)

[140.] That the Secretary of the Interior is hereby authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell therewith not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this act shall pass to the purchaser by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract: *Provided*, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be disposed of in accordance with existing law. (February 14, 1920, 41 Stat. L., 415.)

[141.] That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell and convey by deed or patent, under such terms and conditions as he may prescribe, at not less than their appraised value, non-reservation Government tracts or plants or tribal administrative plants or reserves, or parts thereof, not exceeding forty acres in area and not exceeding \$2,000 in value, not longer needed for Indian administrative or allotment purposes, and small unallotted tracts not exceeding forty acres, where a sale will serve the tribal interests. All sales made under this act shall be at public auction, to the highest and best bidder.

And the Secretary of the Interior is further authorized where a tract to be disposed of under this or any other act authorizing the disposition of tribal lands requires survey as basis for a deed or patent, to accept from the grantee, in addition to the purchase price, an amount sufficient to cover the survey costs.

The net proceeds of the sale of any tribal site, plant, or tract shall be deposited in the Treasury of the United States to the credit of the Indians owning the same, to be disposed of for their benefit in accordance with existing law; and the net proceeds of sales of Government-owned nontribal plants or lands shall be deposited in the Treasury of the United States. (April 12, 1924, 43 Stat. L., 93.)

[142. *Report on school and agency buildings.*] For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school

sites, \$425,000: *Provided*, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized. . . . (March 3, 1911, 36 Stat. L., 1060.)

[143. *Land for missions.*] SEC. 3. That the Secretary of the Interior is hereby authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed one hundred and sixty acres to any one organization at any station: *Provided*, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners. (September 21, 1922, 42 Stat. L., 995.)<sup>43</sup>

[144. *Removal from reservations.*]<sup>44</sup> SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person. (Rev. Stat.—June 12, 1858, 11 Stat. L., 332.)

## LANDS.

### Allotted and Individual Lands.

#### GENERAL PROVISIONS.

[145. *Size of allotments.*]<sup>45</sup> SEC. 1. That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use by treaty stipulation, act of Congress, or Executive order, the President shall be authorized to cause the same or any part thereof to be surveyed or resurveyed whenever in his opinion such reservation or any part may be advantageously utilized for agricultural or grazing purposes by such Indians, and to cause allotment to each Indian located thereon to be made in such areas as in his opinion may be for their best interest not to exceed eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian. And whenever it shall appear to the President that

<sup>43</sup> Supersedes but does not specifically repeal similar provisions in act of February 8, 1887 (24 Stat. L., 390), and act of March 3, 1909 (35 Stat. L., 814).

<sup>44</sup> For power of removal from Indian Country, see Entry 113.

<sup>45</sup> Section 8 of the act of February 8, 1887 (24 Stat. L., 391), provided: "That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miamies, and Peorias, and Sacs and Foxes, in the said Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south added by Executive order." By later acts special provision was made for allotment to all these Indians except those in New York.

lands on any Indian reservation subject to allotment by authority of law have been or may be brought within any irrigation project, he may cause allotments of such irrigable lands to be made to the Indians entitled thereto in such areas as may be for their best interest not to exceed, however, forty acres to any one Indian, and such irrigable land shall be held to be equal in quantity to twice the number of acres of nonirrigable agricultural land and four times the number of acres of nonirrigable grazing land: *Provided*, That the remaining area to which any Indian may be entitled under existing law after he shall have received his proportion of irrigable land on the basis of equalization herein established may be allotted to him from nonirrigable agricultural or grazing lands: *Provided further*, That where a treaty or act of Congress setting apart such reservation provides for allotments in severalty in quantity greater or less than that herein authorized, the President shall cause allotments on such reservations to be made in quantity as specified in such treaty or act, subject, however, to the basis of equalization between irrigable and nonirrigable lands established herein, but in such cases allotments may be made in quantity as specified in this act, with the consent of the Indians expressed in such manner as the President in his discretion may require. (February 8, 1887, 24 Stat. L., 388, as reenacted June 25, 1910, 36 Stat. L., 859.)

[146. *Selection of allotments.*] <sup>46</sup> SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if anyone entitled to an allotment shall fail to make selection within four years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner. (February 8, 1887, 24 Stat. L., 388.)

[147. *Making of allotments.*] <sup>47</sup> SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the superintendents or agents in charge of the respective reservations on which the allotments are directed to be made or, in the discretion of the Secretary of the Interior, such allotments may be made by the superintendent or agent in charge of such reservation, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such special allotting agents, superintendents, or agents to the Commissioner of Indian Affairs in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to

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<sup>46</sup> See note to Entry 145.

<sup>47</sup> See note to Entry 145.



the Secretary of the Interior for his action and to be deposited in the General Land Office. (February 8, 1887, 24 Stat. L., 389, as reenacted June 25, 1910, 36 Stat. L., 858.)

[148. *Allotments to Indians not on reservations.*] SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or Executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act, for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certificate of such account to the Secretary of the Treasury by the Secretary of the Interior. (February 8, 1887, 24 Stat. L., 389.)

[149. *Allotments to Indians settling on public lands.*] SEC. 4. That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children in manner as provided by law for allotments to Indians residing upon reservations, and such allotments to Indians on the public domain as herein provided shall be made in such areas as the President may deem proper, not to exceed, however, forty acres of irrigable land or eighty acres of nonirrigable agricultural land or one hundred and sixty acres of nonirrigable grazing land to any one Indian; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto, and patent shall be issued to them for such lands in the manner and with the restrictions provided in the act of which this is amendatory. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior. (February 28, 1891, 26 Stat. L., 795, as reenacted June 25, 1910, 36 Stat. L., 860.)

[150. *Allotments in national forests.*] SEC. 31. That the Secretary of the Interior is authorized, in his discretion, to make allotments within the national forests in conformity with the general allotment laws<sup>48</sup> as amended

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<sup>48</sup> See Entries 145-148, 152, 154, and 155.

by section of this act, to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided. (June 25, 1910, 36 Stat. L., 863.)

[151. *Extension of allotment act to land purchased.*] That unless otherwise specifically provided, the provisions of the act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388),<sup>40</sup> as amended, be, and they are hereby, extended to all lands heretofore purchased or which may hereafter be purchased by authority of Congress for the use or benefit of any individual Indian or band or tribe of Indians. (February 14, 1923, 42 Stat. L., 1246.)

[152. *Patents to be held in trust.*]<sup>40</sup> SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located,<sup>41</sup> and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President of the United States may in any case in his discretion extend the period. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided. . . . The patents aforesaid shall be recorded in the General Land Office, and afterwards delivered, free of charge, to the allottee entitled thereto. . . . (February 8, 1887, 24 Stat. L., 389.)

[153. *Continuance of restrictions on alienation.*] That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best, *Provided, however*, That this shall not apply to lands in the Indian Territory. (June 21, 1906, 34 Stat. L., 326.)

<sup>40</sup> The act of February 8, 1887, as amended is comprised in Entries 145-148, 152, 154, and 155.

<sup>41</sup> See note to Entry 145.

<sup>42</sup> See Entries 173-178 for provisions regarding descent of land.

[154. *Issuance of patent in fee.*] SEC. 6. That at the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section five of this act,<sup>85</sup> then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. . . . *Provided*, That the Secretary of the Interior may, in his discretion, and he is . . . authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent: *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of this act shall not extend to any Indians in the Indian Territory. (February 8, 1887, 24 Stat. L., 390, as reenacted May 8, 1906, 34 Stat. L., 182.)

[155. *Allotments not subject to prior debts.*] No lands acquired under the provisions of this act [February 8, 1887, 24 Stat. L., 388] shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor. (February 8, 1887, 24 Stat. L., 388, as amended June 21, 1906, 34 Stat. L., 327.)

[156. *Certificate of competency and removal of restrictions on alienation.*<sup>86</sup>] . . . That the Secretary of the Interior is . . . authorized in his discretion to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent. . . . (June 25 1910, 36 Stat. L., 856.)

[157. *Correction of patents.*] That in all cases where it shall appear that a double allotment of land has heretofore been, or shall hereafter be, wrongfully or erroneously made by the Secretary of the Interior to any Indian by an assumed name or otherwise, or where a mistake has been or shall be made in the description of the land inserted in any patent, said Secretary is . . . authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, and for which a conditional patent may have been issued, to rectify and correct such mistakes and cancel any patent which may have been thus erroneously and wrongfully issued whenever in his opinion the same ought to be canceled for error in the issue thereof, and if possession of the original patent cannot be obtained, such cancellation shall be effective if made upon the records of the General Land Office; and no proclamation shall be necessary to open to settlement the lands to which such an erroneous allotment

<sup>85</sup> See Entry 152.

<sup>86</sup> This act does not apply to the Osage or the Five Civilized Tribes (Sec. 33 of act of June 25, 1910, 36 Stat. L. 863), for which similar provision was made in other acts.

patent has been canceled, provided such lands would otherwise be subject to entry: *And provided*, That such lands shall not be open to settlement for 60 days after such cancellation: *And further provided*, That no conditional patent that shall have heretofore or that may hereafter be executed in favor of any Indian allottee, excepting in cases hereinbefore authorized and excepting in cases where the conditional patent is relinquished by the patentee or his heirs to take another allotment shall be subject to cancellation without authority of Congress. (January 26, 1895, 28 Stat. L., 641 as reenacted April 23, 1904, 33 Stat. L., 297.)

[158. *Surrender of patent.*] SEC. 2. The Secretary of the Interior is . . . authorized, in his discretion, and whenever for good and sufficient reason he shall consider it to be for the best interest of the Indians, in making allotments under the statute aforesaid [February 8, 1887], to permit any Indian to whom a patent has been issued for land on the reservation to which such Indian belongs, under treaty or existing law, to surrender such patent with formal relinquishment by such Indian to the United States of all his or her right, title, and interest in the land conveyed thereby, properly indorsed thereon, and to cancel such surrendered patent: *Provided*, That the Indian so surrendering the same shall make a selection, in lieu thereof, of other land and receive patent therefor under the provisions of the act of February 8, 1887. (October 19, 1888, 25 Stat. L., 612.)

[159. *Cancellation of allotment of unsuitable lands.*] That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect. (March 3, 1909, 35 Stat. L., 784.)

[160. *Cancellation of allotments of lands in reservoir sites or under irrigation projects.*] SEC. 14. That the Secretary of the Interior, after notice and hearing, is . . . authorized to cancel trust patents issued to Indian allottees for allotments within any power or reservoir site and for allotments or such portions of allotments as are located upon or include lands set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress: *Provided*, That any Indian allottee whose allotment shall be so canceled shall be reimbursed for all improvements on his canceled allotment, out of any moneys available for the construction of the irrigation project for which the said power or reservoir site may be set aside: *And provided further*, That any Indian allottee whose allotment, or part thereof, is so canceled shall be allotted land of equal value within the area subject to irrigation by any such project. (June 25, 1910, 36 Stat. L., 859.)

[161. *Cancellation of fee allotments.*] That the Secretary of the Interior is hereby authorized, in his discretion, to cancel any patent in fee simple issued to an Indian allottee or to his heirs before the end of the period of trust described in the original or trust patent issued to such allottee, or before the expiration of any extension of such period of trust by the President, where such patent in fee simple was issued without the consent or an application therefor by the allottee or by his heirs: *Provided*, That the patentee has not mortgaged or sold any part of the land described in such patent: *Provided also*, That upon cancellation of such patent in fee simple the land shall have the same status as though such fee patent had never been issued. (February 26, 1927, 44 Stat. L., 1247.)

[162. *Death of allottee without heirs.*] SEC. 12. . . . *Provided*, That hereafter the Secretary of the Interior be, and he is hereby, authorized to investigate the allotment in the name of any deceased Indian and if it be shown to his satisfaction that the allottee died without heirs he shall report the facts to Congress with a recommendation for the cancellation of the patent issued in the name of such Indian. (June 25, 1910, 36 Stat. L., 858.)

[163. *Suits in relation to allotments.*] That all persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit<sup>64</sup> court of the United States; and said circuit courts are given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant); and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him, but this provision shall not apply to any lands now held by either of the Five Civilized Tribes, not to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases.

SEC. 2. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case to file a plea,

<sup>64</sup> The circuit courts were abolished by the act of March 3, 1911 (36 Stat. L., 1167), and their powers conferred upon the district courts.

answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court. (August 15, 1894, 28 Stat. L., 305 as reenacted February 6, 1901, 31 Stat. L., 760.)

[164.] The district courts [of the United States] shall have original jurisdiction as follows:

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(24) Of all actions, suits, or proceedings involving the right of any person, in whole or in part of Indian blood or descent, to any allotment of land under any law or treaty.

And the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Secretary of the Interior, as if such allotment had been allowed and approved by him; but this provision shall not apply to any lands now or heretofore held by either of the Five Civilized Tribes, the Osage Nation of Indians, nor to any of the lands within the Quapaw Indian Agency: *Provided*, That the right of appeal shall be allowed to either party as in other cases. (March 3, 1911, 36 Stat. L., 1094, as reenacted December 21, 1911, 37 Stat. L., 46.)

[165. *Trial of right of property.*] SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership. (Rev. Stat.—June 30, 1834, 4 Stat. L., 733.)

[166. *Limitations of actions for lands patented in severalty under treaties.*] That in all actions brought in any State court or United States court by any patentee, his heirs, grantees, or any person claiming under such patentee, for the possession or rents or profits of lands patented in severalty to the members of any tribe of Indians under any treaty between it and the United States of America, where a deed has been approved by the Secretary of the Interior to the land sought to be recovered, the statutes of limitations of the States in which said land is situate shall be held to apply, and it shall be a complete defense to such action that the same has not been brought within the time prescribed by the statutes of said State the same as if such action had been brought for the recovery of land patented to others than members of any tribe of Indians. (May 31, 1902, 32 Stat. L., 284.)

[167. *Homestead entries.*] SEC. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the

act entitled "An act to secure homesteads to actual settlers on the public domain," approved May 20, 1862, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however*, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided*, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void. (March 3, 1875, 18 Stat. L., 420.)

[168.] That such Indians as may now be located on public lands, or as may, under the direction of the Secretary of the Interior, or otherwise, hereafter, so locate may avail themselves of the provisions of the homestead laws as fully and to the same extent as may now be done by citizens of the United States; and to aid such Indians in making selections of homesteads and the necessary proofs at the proper land offices, one thousand dollars, or so much thereof as may be necessary, is hereby appropriated; but no fees or commissions shall be charged on account of said entries or proofs. All patents therefor shall be of the legal effect, and declare that the United States does and will hold the land thus entered for the period of twenty-five years, in trust for the sole use and benefit of the Indian by whom such entry shall have been made, or, in case of his decease, of his widow and heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his widow and heirs as aforesaid, in fee, discharged of said trust and free of all charges or incumbrance whatsoever. (July 4, 1884, 23 Stat. L., 96.)

[169. *Payment of costs in public land cases.*] . . . That the fees to be paid by and on behalf of the Indian party in any case [initiated by or against Indians, to any entry, filing, or other claims, under the laws of Congress relating to Public Lands, for any sufficient cause affecting the legality or validity of the entry, filing, or claim] shall be one-half of the fees provided by law in such cases, and said fees shall be paid by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, on an account stated by the proper land officers through the Commissioner of the General Land Office. . . . (March 3, 1893, 27 Stat. L., 631.)

[170. *Bounty land laws applicable to Indians.*] <sup>82</sup> Sec. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons. (Rev. Stat.—March 3, 1855, 10 Stat. L., 702.)

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<sup>82</sup> Under sections 2414-46, Revised Statutes, persons who served in wars prior to 1855 were granted bounty lands. Warrants for bounty lands are issued by the Pension Office and the lands are patented by the General Land Office. Owing to lapse of time, practically all persons entitled to bounty lands are dead.

[171. *Property rights as affected by marriage between white man and Indian woman.*] That no white man, not otherwise a member of any tribe of Indians, who may hereafter marry, an Indian woman, member of any Indian Tribe in the United States, or any of its Territories except the Five Civilized Tribes in the Indian Territory, shall by such marriage acquire any right to any tribal property, privilege, or interest whatever to which any member of such tribe is entitled.

Sec. 2. That every Indian woman, member of any such tribe of Indians, who may be married to any citizen of the United States, is declared to become by such marriage a citizen of the United States, with all the rights, privileges, and immunities of any such citizen, being a married woman: *Provided*, That nothing in this act contained shall impair or in any way affect the right or title of such married woman to any tribal property or any interest therein.

Sec. 3. That whenever the marriage of any white man with any Indian woman, a member of any such tribe of Indians, is required or offered to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceedings is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent. (August 9, 1888, 25 Stat. L., 392.)

[172. *Property rights of children of mixed marriages.*] That all children born of a marriage heretofore solemnized between a white man and an Indian woman by blood and not by adoption where said Indian woman is at this time, or was at the time of her death, recognized by the tribe shall have the same rights and privileges to the property of the tribe to which the mother belongs, or belonged at the time of her death, by blood, as any other member of the tribe, and no prior act of Congress shall be construed as to debar such child of such right. (June 7, 1897, 30 Stat. L., 90.)

#### DESCENT OF ALLOTTED LAND HELD IN TRUST.<sup>80</sup>

[173. *Disposal by will of trust allotments.*] SEC. 2. That any persons of the age of twenty-one years having any right, title, or interest in any allotment held under trust or other patent containing restrictions on alienation of individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will in accordance with regulations to be prescribed by the Secretary of the Interior: *Provided*, That no will so executed shall be valid or have any force or effect unless and until it shall have been approved by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may approve or disapprove the will either before or after the death of the testator, and in case where a will has been approved and it is subsequently discovered that there has been fraud in connection with the execution or procurement of the will the Secretary of the Interior is . . . authorized within one year after the death of the testator to cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located: *Provided further*, That the approval of the will and the death of

<sup>80</sup> Further provisions for the sale of land on petition of heirs are given under "Alienation," Entries 179-187.



the testator shall not operate to terminate the trust or restrictive period, but the Secretary of the Interior may, in his discretion, cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees either in whole or in part from time to time as he may deem advisable, or use it for their benefit: *Provided also*, That sections one and two of this act shall not apply to the Five Civilized Tribes or the Osage Indians. (June 25, 1910, 36 Stat. L., 856, as reenacted February 14, 1913, 37 Stat. L., 678.)

[174. *Determination of descent of land.*] SEC. 5. That for the purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act [of February 8, 1887, 24 Stat. L., 389, Entry 152], whenever any male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child: *Provided*, That the provisions of this section shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet." (February 28, 1891, 26 Stat. L., 795.)

[175. *Ascertaining heirs of deceased allottees and disposition of estate.*]<sup>81</sup> That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having made a will disposing of said allotment as hereinafter provided [Entry 173], the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of ten per centum of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase

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<sup>81</sup> These provisions do not apply to the Osage Indians or the Five Civilized Tribes (sec. 33 of act of June 25, 1910, 36 Stat. L., 863). This act supersedes but does not expressly repeal the last paragraph of the act of May 8, 1906 (34 Stat. L., 183), and a part of section 1 of the act of May 29, 1906 (35 Stat. L., 444).

price is to be paid in deferred payments, a further amount, not exceeding fifteen per centum of the purchase price, may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent, as their respective interests shall appear: . . . (June 25, 1910, 36 Stat. L., 855.)

[176. *Administration of oaths and attendance of witnesses.*] . . . That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians or the Five Civilized Tribes of Indians in Oklahoma: . . . And *provided further*, That the authority delegated to judges of the United States courts by section 4908 of the Revised Statutes is hereby conferred upon the Secretary of the Interior to require the attendance of witnesses at hearings, upon proper showing by any of the parties to determine the heirs of decedents, held in accordance with section one of the act of June 25, 1910 (Thirty-sixth Statutes, page 855) and the amendment of February 14, 1913 (Thirty-seventh Statutes, page 678)<sup>18</sup> under such rules and regulations as he may prescribe. (August 1, 1914, 38 Stat. L., 586.)

[177. *Payment for determination of heirs.*]<sup>19</sup> . . . That hereafter upon a determination of the heirs to any trust or restricted Indian property of the value of \$250 or more, or to any allotment, or, after approval by the Secretary of the Interior, of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of \$30 where the appraised value of the estate of the decedent is \$250 or more and does not exceed \$1,000. Where the appraised value of the estate of the decedent is more than \$1,000 and less than \$2,000, \$25; where the appraised value of the estate of the decedent is \$2,000 or more and does not exceed \$3,000, \$30; where the appraised value of the estate of the decedent is more than \$3,000 but does not exceed \$5,000, \$50; where the appraised value of the estate of the decedent is more than \$5,000 but does not exceed \$7,500, \$65; and where the appraised value of the estate of the decedent is more than \$7,500, \$75; which amount shall be accounted for and paid into the Treasury of the United States, and a report shall be made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *Provided*

<sup>18</sup> Section 1 of the act of June 25, 1910, is given in Entry 175, and the amendment of February 14, 1913, is given in Entry 173.

<sup>19</sup> This act supersedes but does not expressly repeal provisions for charges authorized by the acts of August 1, 1914 (38 Stat. L., 586), May 18, 1916 (39 Stat. L., 127), and February 14, 1920 (41 Stat. L., 413).

further, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma. (June 24, 1923, 42 Stat. L., 1185.)

[178. *Partition of allotment among heirs.*] . . . That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. (May 18, 1916, 39 Stat. L., 127.)<sup>60</sup>

ALIENATION OF ALLOTTED LANDS HELD IN TRUST.<sup>61</sup>

[179. *Sale of allotment of noncompetent Indian.*] That any noncompetent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, or who may have an interest in any allotment by inheritance, may sell or convey all or any part of such allotment or such inherited interest on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds derived therefrom shall be used for the benefit of the allottee or heir so disposing of his land or interest, under the supervision of the Commissioner of Indian Affairs; and any conveyance made hereunder and approved by the Secretary of the Interior shall convey full title to the land or interest so sold, the same as if fee simple patent had been issued to the allottee. (March 1, 1907, 34 Stat. L., 1018.)

[180. *Sale on petition of allottee.*]<sup>62</sup> That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period the Secretary of the Interior shall ascertain the legal heirs of such Indian and if satisfied of their ability to manage

<sup>60</sup> A preceding clause in this paragraph provides that it shall not apply to the Osage or the Five Civilized Tribes.

<sup>61</sup> See also Entries 206-211 for provisions for rights of way over allotted and tribal lands.

<sup>62</sup> The provisions of this entry regarding the determination of heirs and the disposition of the shares of heirs are superseded by the act of June 25, 1910 (36 Stat. L., 855), given in Entry 175.

their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *Provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in [this] section one herein contained shall apply to the States of Minnesota and South Dakota. (May 29, 1908, 35 Stat. L., 444.)

[181. *Sale by heirs.*] SEC. 7. That the adult heirs of any deceased Indian to whom a trust or other patent containing restrictions upon alienation has been or shall be issued for lands allotted to him may sell and convey the lands inherited from such decedent, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser, the same as if a final patent without restriction upon the alienation had been issued to the allottee. All allotted land so alienated by the heirs of an Indian allottee and all land so patented to a white allottee shall thereupon be subject to taxation under the laws of the State or Territory where the same is situate: *Provided*, That the sale herein provided for shall not apply to the homestead during the life of the father, mother or the minority of any child or children. (May 27, 1902, 32 Stat. L., 275.)

[182. *Alienation of lands within reclamation projects.*] That any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof. (June 20, 1906, 34 Stat. L., 327.)

[183. *Acquisition of land by railroads.*] <sup>60</sup> That the provisions of the Act entitled "An Act making appropriation for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910," approved March 3, 1909,<sup>61</sup> which authorized the Secretary of the Interior to grant to railway companies lands in Indian reservations for reservoirs, material or ballast pits, or for the purpose of planting and

<sup>60</sup> See Entries 206-211 for right of way.

<sup>61</sup> The act of March 3, 1909, is given in Entry 196.

growing trees to protect their lines of railway, be, and the same are hereby, extended and made applicable to any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation; that the damages and compensation to be paid to any Indian allottee shall be ascertained and fixed in such manner as the Secretary of the Interior may direct and shall be paid by the railway company to said Secretary, that the damages and compensation paid to the Secretary of the Interior by the railway company taking any such land shall be paid by said Secretary to the allottee sustaining such damages. (May 6, 1910, 36 Stat. L., 349.)

[184. *Condemnation of lands under state laws.*] SEC. 3. . . . That lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee. (March 3, 1901, 31 Stat. L., 1084.)

[185. *Relinquishment to children.*] SEC. 3. That in any case where an Indian has an allotment of land, or any right, title, or interest in such an allotment, the Secretary of the Interior, in his discretion, may permit such Indian to surrender such allotment, or any right, title, or interest therein, by such formal relinquishment as may be prescribed by the Secretary of the Interior, for the benefit of any of his or her children to whom no allotment of land shall have been made; and thereupon the Secretary of the Interior shall cause the estate so relinquished to be allotted to such child or children subject to all conditions which attached to it before such relinquishment.

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SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma . . . (June 25, 1910, 36 Stat. L., 856, 863.)

[186. *Secretary of the Interior to approve alienation in place of President.*] SEC. 6. That wherever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted cannot be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior hereafter had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained: *Provided, however*, That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct. (September 21, 1922, 42 Stat. L., 995.)

[187. *Fees for selling and leasing lands and timber.*] That hereafter in the sale of all Indian allotments, or in leases, or assignment of leases, covering tribal or allotted lands for mineral, farming, grazing, business or

other purposes, or in the sale of timber thereon, the Secretary of the Interior be, and he is hereby, authorized and directed, under such regulations as he may prescribe, to charge a reasonable fee for the work incident to the sale, leasing, or assigning of such lands, or in the sale of the timber, or in the administration of Indian forests, to be paid by vendees, lessees, or assignees, or from the proceeds of sales, the amounts collected to be covered into the Treasury as miscellaneous receipts. (February 14, 1920, 41 Stat. L., 415.)

#### LEASING OF ALLOTTED LANDS HELD IN TRUST.<sup>63</sup>

[188. *Leases, in general.*] SEC. 4. That any Indian allotment held under a trust patent may be leased by the allottee for a period not to exceed five years, subject to and in conformity with such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds of any such lease shall be paid to the allottee or his heirs, or expended for his or their benefit in the discretion of the Secretary of the Interior.

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SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma . . . (June 25, 1910, 36 Stat. L., 856, 863.)

[189. *Leasing if allottee is incapacitated.*] . . . That wherever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands cannot personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for term not exceeding five years, for farming purposes only. (May 31, 1900, 31 Stat. L., 229.)

[190. *Leasing of arid land if allottee is incapacitated.*] That whenever it shall appear to the satisfaction of the Secretary of the Interior that the allotted lands of any Indian are arid but susceptible of irrigation and that the allottee, by reason of old age or other disability, cannot personally occupy or improve his allotment or any portion thereof, such lands or such portion thereof, may be leased for a period not exceeding ten years, under such terms, rules, and regulations as may be prescribed by the Secretary of the Interior. (May 18, 1916, 39 Stat. L., 128.)

[191. *Farming and grazing leases to be approved by superintendent.*] That the restricted allotment of any Indian may be leased for farming and grazing purposes by the allottee or his heirs, subject only to the approval of the superintendent or other officer in charge of the reservation where the land is located, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That this provision shall not apply to the Five Civilized Tribes. (March 3, 1921, 41 Stat. L., 1232.)

[192. *Leases for mining purposes.*] That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secre-

<sup>63</sup> For authority for fees in connection with leasing See Entry 187.

tary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect. (March 3, 1909, 35 Stat. L., 783.)

#### Tribal Lands.

##### GENERAL PROVISIONS.

[193. *Disposition of surplus lands.*] SEC. 5. . . . *Provided further*, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress. . . . (February 8, 1887, 24 Stat. L., 389.)

[194. *Negotiations for cession of surplus lands.*] That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress. (March 3, 1901, 31 Stat. L., 1077.)

[195. *Classification of unallotted and unreserved land.*] That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisement is, in the opinion of the Secretary of the Interior, erroneous. (June 6, 1912, 37 Stat. L., 125.)

[196. *Acquisition of tribal land by railroads.*] <sup>66</sup> That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary . . . is authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the Secretary.

That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application de-

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<sup>66</sup> For acquisition of individual lands, see Entry 183; for rights of way see Entries 206-211.

scribing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: *And provided further*, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages. (March 3, 1909, 35 Stat. L., 781.)

[197. *Suits concerning school lands.*] That in any suit heretofore or hereafter instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto: and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary. (March 2, 1901, 31 Stat. L., 950.)

#### LEASING OF TRIBAL LANDS.<sup>97</sup>

[198. *Leasing of tribal lands for farming.*] . . . That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes. (August 15, 1894, 28 Stat. L., 305.)

[199. *Leasing of unallotted irrigable lands.*] That the unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed ten years with the consent of the tribal council, business committee or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe. (July 3, 1926, 44 Stat. L., 894.)

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<sup>97</sup> For authority for fees in connection with leasing, see Entry 187.



[200. *Leasing of tribal lands for grazing or mining.*] SEC. 3. . . . That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing, or ten years for mining purposes<sup>66</sup> in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior. (February 28, 1891, 26 Stat. L., 795.)

[201. *Leasing of tribal lands for oil and gas.*] That unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of ten years under the proviso to section 3 of the Act of February 28, 1891 (Twenty-sixth Statutes at Large, page 795), may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed ten years, and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities: *Provided*, That the production of oil and gas and other minerals on such lands may be taxed by the State in which said lands are located in all respects the same as production on unrestricted lands, and the Secretary of the Interior is hereby authorized and directed to cause to be paid the tax so assessed against the royalty interests on said lands: *Provided, however*, That such tax shall not become a lien or charge of any kind or character against the land or the property of the Indian owner. (May 29, 1924, 43 Stat. L., 244.)

[202. *Leasing of tribal lands for mining minerals, except oil and gas.*] SEC. 26. That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States, or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals and nonmetalliferous minerals, not including oil and gas, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

That after the passage and approval of this section, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals and nonmetalliferous minerals, not including oil and gas, by citizens of the United States, and after such declaration

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<sup>66</sup> See also Entry 202.

mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within sixty days with the superintendent in charge of the reservation on which the mining claim is located and that application for a lease under this section may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering livestock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section.

That leases under this section shall be for a period of twenty years, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the lessee, may in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights under such a lease and upon acceptance thereof be thereby relieved of all future obligations under said lease.

That in addition to areas of mineral land to be included in leases under this section the Secretary of the Interior, in his discretion, may grant to the lessee the right to use, during the life of the lease, subject to the payment of an annual rental of not less than \$1 per acre, a tract of unoccupied land, not exceeding forty acres in area, for camp sites, milling, smelting, and refining works, and for other purposes connected with and necessary to the proper development and use of the deposits covered by the lease.

That the Secretary of the Interior, in his discretion, in making any lease under this section, may reserve to the United States the right to lease for a term not exceeding that of the mineral lease, the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided*, That the said Secretary, during the life of the lease, is hereby authorized to issue such permits for easements herein provided to be reserved.

That any successor in interest or assignee of any lease granted under this section, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the lease under which such rights are held and also subject to all the provisions and conditions of this section to the same extent as though such successor or assign were the original lessee hereunder.

That any lease granted under this section may be forfeited and canceled by appropriate proceedings in the United States district court for the district in which said property or some part thereof is situated whenever the lessee, after reasonable notice in writing, as prescribed in the lease, shall fail to comply with the terms of this section or with such conditions not inconsistent herewith as may be specifically recited in the lease.

That for the privilege of mining or extracting the mineral deposits in the ground covered by the lease the lessee shall pay to the United States, for the benefit of the Indians, a royalty which shall not be less than 5 per centum of the net value of the output of the minerals at the mine, due and payable at the end of each month succeeding that of the extraction of the minerals from the mine, and an annual rental, payable at the date of such lease and annually thereafter on the area covered by such lease, at the rate of not less than 25 cents per acre for the first calendar year thereafter; not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively; and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year.

That in addition to the payment of the royalties and rentals as herein provided the lessee shall expend annually not less than \$100 in development work for each mining claim located or leased in the same manner as an annual expenditure for labor or improvements is required to be made under the mining laws of the United States: *Provided*, That the lessee shall also agree to pay all damages occasioned by reason of his mining operations to the land or allotment of any Indian or to the crops or improvements thereon: *And provided further*, That no timber shall be cut upon the reservation by the lessee except for mining purposes and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

That the Secretary of the Interior is hereby authorized to examine the books and accounts of lessees, and to acquire [require] them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

That all moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this section into full force and effect: *Provided*, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

That mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is hereby

authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section: *Provided*, That the Secretary of the Interior be, and he is hereby, authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians. (June 30, 1919, 41 Stat. L., 31, as amended December 16, 1926, 44 Stat. L., 922.)

[203. *Leasing for oil and gas on Executive order reservations.*] That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions contained in the act of May 29, 1924 (Forty-third Statutes, page 244).<sup>99</sup>

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive order Indian reservations or withdrawals shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per centum per annum and be available for appropriation by Congress for expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided*, That said Indians, or their tribal council, shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress.

SEC. 3. That taxes may be levied and collected by the State or local authority upon improvements, output of mines or oil and gas wells or other rights, property, or assets of any lessee upon lands within Executive order Indian reservations in the same manner as such taxes are otherwise levied and collected, and such taxes may be levied against the share obtained for the Indians as bonuses, rentals, and royalties, and the Secretary of the Interior is hereby authorized and directed to cause such taxes to be paid out of the tribal funds in the Treasury: *Provided*, That such taxes shall not become a lien or charge of any kind against the land or other property of such Indians.

SEC. 4. That hereafter changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any person who prior to May 27, 1924, filed an application for a permit in accordance with the provisions of the act of February 25, 1920,<sup>100</sup> to prospect for oil and gas upon lands within an Indian reservation or withdrawal created by Executive order who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done prior to January 1, 1926, any or all of the following things, to wit, expended money or labor in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, or has drilled or contributed toward the drilling

<sup>99</sup> See Entry 201.

<sup>100</sup> The act of February 25, 1920 (41 Stat. L., 437), provides for the leasing of public lands for mining purposes.

of the geologic structure upon which such lands are located, or who in good faith has either filed a motion for reinstatement or rehearing; or performed any other act which in the judgment of the Secretary of the Interior entitles him to equitable relief, to prospect for a period of two years from the date this act takes effect, or for such further time as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in his application under the terms and conditions therein set out, and a substantial contribution toward the drilling of the geologic structure thereon by such applicant for a permit thereon may be considered as prospecting under the provisions hereof; and upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil and gas have been discovered within the limits of the land embraced in any such application, he shall be entitled to a lease for one-fourth of the land embraced in the application: *Provided*, That the applicant shall be granted a lease for as much as one hundred and sixty acres of said lands if there be that number of acres within the application. The area to be selected by the applicant shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public land surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposit made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of twenty years upon a royalty of 5 per centum in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they may accrue for that year, with the preferential right in the lessee to renew the same for successive periods of ten years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. The applicant shall also be entitled to a preference right to a lease for the remainder of the land in his application at a royalty of not less than 12½ per centum in amount or value of the production, the royalty to be determined by competitive bidding or fixed by such other methods as the Secretary of the Interior may by regulations prescribe: *Provided further*, That the Secretary of the Interior shall have the right to reject any or all bids. (March 3, 1927, 44 Stat. L., 1347.)

[204. *Licenses for power development on tribal lands.*] That a commission is hereby created and established, to be known as the Federal Power Commission (hereinafter referred to as the commission), which shall be composed of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal, which shall be judicially noticed. The President shall designate the chairman of the commission.

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SEC. 3. That the words defined in this section shall have the following meanings for the purposes of this act, to wit:

"Public lands" means such lands and interest in lands owned by the United States as are subject to private appropriation and disposal under public-land laws. It shall not include "reservations," as hereinafter defined.

"Reservations" means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in lands owned by the United States, and withdrawn, reserved, or withheld from private appropriation and disposal under the public-land laws; also lands and interests in lands acquired and held for any public purpose.

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SEC. 4. That the Commission is hereby authorized and empowered . . .

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(d) To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State, or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation, and for the development, transmission, and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam, except as herein provided: *Provided*, That licenses shall be issued within any reservation only after a finding by the commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation: . . .

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SEC. 10. That all licenses issued under this act shall be on the following conditions:

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(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission for the purpose of reimbursing the United States for the costs of the administration of this act; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; and for the expropriation to the Government of excessive profits until the respective States shall make provision for preventing excessive profits or for the expropriation thereof to themselves, or until the period of amortization as herein provided is reached, and in fixing such charges the commission shall seek to avoid increasing the price to the consumers of power by such charges, and charges for the expropriation of excessive profits may be adjusted from time to time by the commission as conditions may require: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of twenty years after the beginning of operations and at periods of not less than ten years thereafter in a manner to be described in each license: *Provided*, That licenses for the development, transmission, or distribution of power by States or municipalities shall be issued and enjoyed without charge to the extent such power is sold to the public without profit or is used by such State or municipality for State or municipal purposes, except that as to projects constructed or to be constructed by States or municipalities primarily de-

signed to provide or improve navigation licenses therefor shall be issued without charge; and that licenses for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in projects of not more than one hundred horsepower capacity may be issued without charge, except on tribal lands within Indian reservations; but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam and that the amount charged therefor in any license shall be such as determined by the commission.

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(i) In issuing licenses for a minor part only of a complete project, or for a complete project of not more than one hundred horsepower capacity, the commission may in its discretion waive such conditions, provisions, and requirements of this act, except the license period of fifty years, as it may deem to be to the public interest to waive under the circumstances: *Provided*, That the provisions hereof shall not apply to lands within Indian reservations.

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SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservations. . . . (June 10, 1920, 41 Stat. L., 1063.)

[205. *Leasing of school and agency lands for mining purposes.*] That the Secretary of the Interior be, and he is hereby, authorized under such rules and regulations as he may prescribe, to lease at public auction upon not less than thirty days' public notice for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies: *Provided*, That a royalty of at least one-eighth shall be reserved in all leases. (April 17, 1926, 44 Stat. L., 300.)

#### **Rights of Way over Tribal and Allotted Lands.**

[206. *Power to grant rights of way.*] SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation. (February 8, 1887, 24 Stat. L., 391.)

[207. *Rights of way for railway, telegraph, and telephone lines.*]<sup>72</sup> A right of way for a railway, telegraph and telephone line through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian Territory or through any lands reserved for an Indian agency or for other purposes in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, is hereby granted to any railroad company organized under the laws of the United States, or of any State or Terri-

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<sup>72</sup> See also next entry.

tory, which shall comply with the provisions of this act, and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under this act until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby: *Provided also*, That as a condition precedent to each and every grant of a right of way under authority of this act each and every railway company applying for such grant shall stipulate that it will construct and permanently maintain suitable passenger and freight stations for the convenience of each and every town site established by the Government along said right of way.<sup>72</sup>

SEC. 2. That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road.<sup>73</sup>

SEC. 3. That the line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement, held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisal of three disinterested referees, to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees cannot agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same, to appeal, in case the land in question is in the Indian Territory, by original petition to the United States court in the Indian

<sup>72</sup> As amended June 25, 1910 (36 Stat. L., 859).

<sup>73</sup> As reenacted June 21, 1906. (34 Stat. L., 330.)



Territory sitting at the place nearest and most convenient to the property sought to be condemned; and if said land is situated in any State or Territory other than the Indian Territory, then to the United States district court for such State or Territory, where the case shall be tried *de novo* and the judgment for damages rendered by the court shall be final and conclusive. When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railway. Each of the referees shall receive for his compensation the sum of four dollars per day while engaged in the hearing of any case submitted to them under this act. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment, and be paid by such railroad company.

SEC. 4. That if any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned *ipso facto* as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

SEC. 5. That where a railroad is constructed under the provisions of this chapter through the Indian Territory, there shall be paid by the railroad company to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands the road may be located, such an annual charge as may be prescribed by the Secretary of the Interior, not less than fifteen dollars for each mile of road, the same to be paid so long as said land shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise required herein. And within the Indian Territory upon any railroad constructed under the provisions of this chapter the rates and charges for passenger and freight service, if not otherwise prescribed by law, may be prescribed by the Secretary of the Interior from time to time, and the grants herein are made upon condition that the companies shall transport mails whenever required to do so by the Post Office Department.

SEC. 6. That the provisions of section two of the act of March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," are hereby extended and made applicable to rights of ways granted under this act and to railroad companies obtaining such rights of way.<sup>a</sup>

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<sup>a</sup> Section 2 of the act of March 3, 1875, is as follows:

"That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations, not inconsistent herewith, for the proper execution and carrying into effect of all the provisions of this act.

SEC. 8. That Congress reserves the right at any time to alter, amend, or repeal said sections or any portion thereof. (March 2, 1899, 30 Stat. L., 990, as amended June 21, 1906, 34 Stat. L., 330 and June 25, 1910, 36 Stat. L., 859.)

[208. *Rights of way for telephone and telegraph lines.*] SEC. 3. That the Secretary of the Interior is authorized and empowered to grant a right of way, in the nature of an easement, for the construction, operation, and maintenance of telephone and telegraph lines and offices for general telephone and telegraph business through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation, upon the terms and conditions herein expressed. No such lines shall be constructed across Indian lands, as above mentioned, until authority therefor has first been obtained from the Secretary of the Interior, and the maps of definite location of the lines shall be subject to his approval. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; and where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained; and all such lines shall be constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority; and Congress expressly reserves the right to regulate the tolls or charges for the transmission of messages over any lines constructed under the provisions of this act: *Provided*, That incorporated cities and towns into or through which such telephone or telegraphic lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities. (March 3, 1901, 31 Stat. L., 1083.)

[209. *Rights of way other than for highways and railroads.*] That the Secretary of the Interior be, and hereby is, authorized and empowered,

where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile" (18 Stat. L., 482).

under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power<sup>18</sup> and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the Department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provision of title sixty-five of the Revised Statutes of the United States, and amendments thereto regulating rights of way for telegraph companies over the public domain: *And further provided*, That any permission given by the Secretary of the Interior under the provisions of this Act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park. (February 15, 1901, 31 Stat. L., 790.)

[210. *Rights of way for highways.*] SEC. 4. That the Secretary of the Interior is . . . authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties, but which have not been conveyed to the allottees with full power of alienation. (March 3, 1901, 31 Stat. L., 1084.)

[211. *Rights of way for pipe lines.*] That the Secretary of the Interior is hereby authorized and empowered to grant a right of way in the nature of an easement for the construction, operation, and maintenance of pipe lines for the conveyance of oil and gas through any Indian reservation, through any lands held by an Indian tribe or nation in the Indian Territory, through any lands reserved for an Indian agency or Indian school, or for other purpose in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty,

<sup>18</sup> The authority to license transmission lines across Indian lands from power plants is now vested in the Federal Power Commission. See Entry 204.

but which have not been conveyed to the allottee with full power of alienation upon the terms and conditions herein expressed. Before title to rights of way applied for hereunder shall vest, maps of definite location shall be filed with and approved by the Secretary of the Interior: *Provided*, That before such approval the Secretary of the Interior may, under such rules and regulations as he may prescribe, grant temporary permits revocable in his discretion for the construction of such lines: *Provided*, That the construction of lateral lines from the main pipe line establishing connection with oil and gas wells on the individual allotments of citizens may be constructed without securing authority from the Secretary of the Interior and without filing maps of definite location, when the consent of the allottee upon whose lands oil or gas wells may be located and of all other allottees through whose lands said lateral pipe lines may pass has been obtained by the pipe line company: *Provided further*, That in case it is desired to run a pipe line under the line of any railroad, and satisfactory arrangements cannot be made with the railroad company, then the question shall be referred to the Secretary of the Interior, who shall prescribe the terms and conditions under which the pipe line company shall be permitted to lay its lines under said railroad. The compensation to be paid the tribes in their tribal capacity and the individual allottees for such right of way through their lands shall be determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval. And where such lines are not subject to State or Territorial taxation the company or owner of the line shall pay to the Secretary of the Interior, for the use and benefit of the Indians, such annual tax as he may designate, not exceeding five dollars for each ten miles of line so constructed and maintained under such rules and regulations as said Secretary may prescribe. But nothing herein contained shall be so construed as to exempt the owners of such lines from the payment of any tax that may be lawfully assessed against them by either State, Territorial, or municipal authority. And incorporated cities and towns into and through which such pipe lines may be constructed shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such towns and cities, and nothing herein shall authorize the use of such right of way except for pipe line, and then only so far as may be necessary for its construction, maintenance, and care: *Provided*, That the rights herein granted shall not extend beyond a period of twenty years: *Provided further*, That the Secretary of the Interior, at the expiration of said twenty years, may extend the right to maintain any pipe line constructed under this act for another period not to exceed twenty years from the expiration of the first right, upon such terms and conditions as he may deem proper.

SEC. 2. The right to alter, amend, or repeal this act is expressly reserved. (March 11, 1904, 33 Stat. L., 65, as amended March 2, 1917, 39 Stat. L., 973.)

#### IRRIGATION.

[*212. Distribution of water.*] SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior . . . is authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor. (February 8, 1887, 24 Stat. L., 390.)

[213. *Withdrawal of lands for power or reservoir sites.*] SEC. 13. That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to reserve from location, entry, sale, allotment, or other appropriation any lands within any Indian reservation, valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress: *Provided*, That if no irrigation project shall be authorized prior to the opening of any Indian reservation containing such power or reservoir sites the Secretary of the Interior may, in his discretion, reserve such sites pending future legislation by Congress for their disposition, and he shall report to Congress all reservations made in conformity with this Act. (June 25, 1910, 36 Stat. L., 858.)

[214. *Cost of irrigation work to be reimbursed to United States.*] . . . That all moneys expended heretofore or hereafter under this provision [for construction of irrigation works] shall be reimbursable where the Indians have adequate funds to repay the Government, such reimbursements to be made under such rules and regulations as the Secretary of the Interior may prescribe: . . . (August 1, 1914, 38 Stat. L., 583.)

[215. *Cost of irrigation work to be prorated among Indians benefited.*] . . . That the Secretary of the Interior is hereby authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe. . . . (August 1, 1914, 38 Stat. L., 583.)

[216. *Repayment of construction charges by land owners.*] The Secretary of the Interior is hereby authorized and directed to require the owners of irrigable land under any irrigation system heretofore or hereafter constructed for the benefit of Indians and to which water for irrigation purposes can be delivered to begin partial reimbursement of the construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best; all payments hereunder to be credited on a per acre basis in favor of the land in behalf of which such payments shall have been made and to be deducted from the total per acre charge assessable against said land: . . . (February 14, 1920, 41 Stat. L., 409.)

[217. *Fixing of maintenance charges and use of money collected.*] . . . and for lands irrigable under any such system or project the Secretary of the Interior may fix maintenance charges which shall be paid as he may direct, such payments to be available for use in maintaining the project or system for which collected. . . . (August 1, 1914, 38 Stat. L., 583.)

[218. *Use of moneys derived from sales of material.*] . . . That the proceeds of sales of material utilized for temporary work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation; . . . (August 1, 1914, 38 Stat. L., 583.)

[219. *Lands of nonreservation Indians under Reclamation projects.*] That in carrying out any irrigation project which may be undertaken under the

provisions of the act of June 17, 1902 (Thirty-second Statutes, page 388), known as "The Reclamation Act" and which may make possible, and provide for in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section<sup>70</sup> of the general allotment act, the Secretary of the Interior is . . . authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such lands. . . . (March 3, 1909, 35 Stat. L., 798.)

[220. *Restrictions on new projects.*] . . . and hereafter no new irrigation project on any Indian reservation, allotments or lands shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and no new project to cost in the aggregate to exceed thirty-five thousand dollars shall be undertaken on any Indian reservation or allotment without specific authority of Congress. . . . (April 4, 1910, 36 Stat. L., 270.)

[221. *Annual report on irrigation work.*] . . . and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June thirtieth of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project. (August 1, 1914, 38 Stat. L., 583.)<sup>71</sup>

#### TIMBER AND FORESTS.

[222. *Sale of dead and down timber.*] That the President of the United States may from year to year in his discretion under such regulations as he may prescribe authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this section then in that case such authority shall not be granted. (February 16, 1889, 25 Stat. L., 673.)

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<sup>70</sup> See Entry 148.

<sup>71</sup> Supersedes, but does not repeal several earlier provisions of the same character.

[223. *Sale of timber on unallotted lands.*] SEC. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the States of Minnesota and Wisconsin.

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SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma . . . (June 25, 1910, 36 Stat. L., 857, 863.)

[224. *Sale of timber on trust allotments.*] SEC. 8. That the timber on any Indian allotment held under trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior.

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SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma . . . (June 25, 1910, 36 Stat. L., 857, 863.)

[225. *Protection of timber.*] That the Secretary of the Interior is hereby authorized to protect and preserve, from fire, disease, or the ravages of beetles, or other insects, timber owned by the United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber; and appropriations are hereby authorized to be made for such purposes. (September 20, 1922, 42 Stat. L., 857.)

#### MONEY AND TRUST FUNDS.

[226. *Deposit of proceeds of sales of tribal lands.*] SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury. (Rev. Stat.—January 9, 1837, 5 Stat. L., 135.)

[227. *Proceeds of sale of lands not subject to deduction for expenses of public land service.*] SEC. 10. That no part of the expenses of the public lands service shall be deducted from the proceeds of Indian lands sold through the General Land Office, except as authorized by the treaty or agreement providing for the disposition of the lands. (July 4, 1884, 23 Stat. L., 98.)

[228. *Deposit of proceeds from surplus coal lands.*] SEC. 4. That the net proceeds derived from the sale and entry of such surplus [coal] lands in conformity with the provisions of this act shall be paid into the Treasury of

the United States to the credit of the same fund under the same conditions and limitations as are or may be prescribed by law for the disposition of the proceeds arising from the disposal of other surplus lands in such Indian reservation: *Provided*, That the provisions of this act shall not apply to the lands of the Five Civilized Tribes of Indians in Oklahoma. (February 27, 1917, 39 Stat. L., 945.)

[229. *Use of money paid for surplus lands.*] SEC. 5. . . . And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians; to whom such reservations belonged; and the same, with interest thereon at three per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof. . . . (February 8, 1887, 24 Stat. L., 389.)

[230. *Payment to Indians for lands opened to settlement.*] That all settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an Act of Congress, approved August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agricultural and mechanic arts, established under the provisions of an Act of Congress, approved July 2, 1862, such deficiency shall be paid by the United States: *And provided further*, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government. (May 17, 1900, 31 Stat. L., 179.)

[231. *Investments required by treaties.*] SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress. (Rev. Stat.—January 9, 1837, 5 Stat. L., 135.)

[232. *Investment of proceeds of lands.*] SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be, in his judgment, most safe and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum. (Rev. Stat.—January 9, 1837, 5 Stat. L., 135.)



[233. *Custody of stocks or bonds held in trust for tribes.*] That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes, shall, within thirty days from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof, and it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, etc., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustee for various Indian tribes. And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes, . . . and shall make all purchases and sales of bonds and stocks authorized by treaty-stipulations or by acts of Congress when requested so to do by the Secretary of the Interior: *Provided*, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned. (June 10, 1876, 19 Stat. L., 58.)

[234. *Deposit of money in Treasury in lieu of investment.*] That the Secretary of the Interior be, and he is hereby, authorized to deposit, in the Treasury of the United States, any and all sums . . . received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust fund, and all sums received on account of sales of Indian trust lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments; and the United States shall pay interest semiannually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per annum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress. (April 1, 1880, 21 Stat. L., 70.)

[235. *Division of tribal funds; deposit and investment of tribal and individual money.*] SEC. 28. That the Secretary of the Interior . . . is authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common, or community funds of any Indian tribe which . . . may be held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe, to withdraw from the Treasury and deposit in banks in the State or States in which the tribe is located to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured

from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall not be segregated until the final rolls of said tribe are complete: *And provided further*, That the foregoing shall not apply to the funds of the Five Civilized Tribes, or the Osage Tribe of Indians, in the State of Oklahoma, but the funds of such tribes and individual members thereof shall be deposited in the banks of Oklahoma or in the United States Treasury and may be secured by the deposit of United States bonds. (May 25, 1918, 40 Stat. L., 591.)

[236. *Preparation of final roll.*] That the Secretary of the Interior is hereby authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls shall contain the ages and quantum of Indian blood, when approved by the said Secretary are hereby declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in section 28 of the Indian Appropriation Act approved May 25, 1918 (Fortieth Statutes at Large, pages 591 and 592), and shall be conclusive both as to ages and quantum of Indian blood: *Provided*, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians, or to the Chippewa Indians of Minnesota, or the Menominee Indians of Wisconsin. (June 30, 1919, 41 Stat. L., 9.)

[237. *Distribution of tribal funds to competent Indians.*] That the Secretary of the Interior is authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor: *Provided further*, That the Secretaries of the Interior and of the Treasury are directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the executive departments of the Government, at time of such apportionment and allotment. (March 2, 1907, 34 Stat. L., 1221.)

[238. *Distribution of tribal funds to helpless Indians.*] Sec. 2. That the pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior. (March 2, 1907, 34 Stat. L., 1221, as reenacted May 18, 1916, 39 Stat. L., 128.)

[239. *Payment of taxes from share of allottee in tribal funds.*] In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Commissioner of Indian Affairs is authorized, prior to the date at which any penalties for the non-payment of taxes would accrue under the laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund: *Provided*, That no such payment shall be made by said Commissioner where it is in excess of the amount which will ultimately be due said allottee. (March 1, 1907, 34 Stat. L., 1016.)

[240. *Use of proceeds of products of reservations.*] The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the Five Civilized Tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session."<sup>78</sup> (March 3, 1883, 22 Stat. L., 590.)

[241.] That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March 3, 1883, and which is carried on the books of that Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress," (March 2, 1887, 24 Stat. L., 463.)

[242.] That hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption "Indian moneys, proceeds of labor," and are hereby made available for expenditure, in the discretion of the Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by Section 27 of the act of May 18, 1916 (Thirty-ninth Statutes at Large, page 159).<sup>80</sup>

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<sup>78</sup> See also Entry 242.

<sup>79</sup> See also next entry.

<sup>80</sup> See next entry.

SEC. 2. The act of March 3, 1883 (Twenty-second Statutes at Large, page 590) [Entry 240], and the act of March 2, 1887 (Twenty-fourth Statutes at Large, page 463 [Entry 241], are hereby amended in accordance with the foregoing. (May 17, 1926, 44 Stat. L., 560.)

[243. *Restrictions on expenditure from tribal funds.*] SEC. 27. . . . That hereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are continued in full force and effect: *Provided*, That this shall not change existing law with reference to the Five Civilized Tribes. (May 18, 1916, 39 Stat. L., 159.)

[244. *Use of tribal funds to purchase insurance.*] That hereafter the funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earthquake, and other elements and forces of nature. (April 13, 1926, 44 Stat. L., 242.)

[245. *Moneys due incompetents or orphans.*] SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid. (Rev. Stat.—July 5, 1862, 12 Stat. L., 529.)

[246. *Proceeds of trust lands not liable for debts.*] That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable for the payment of any debt of, or claim against, such Indian contracted or arising during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior. (June 21, 1906, 34 Stat. L., 327.)

[247. *Interest on moneys held for minors.*] That the shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been, or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of three per centum per annum, unless otherwise provided for, from the period when such proceeds have been or shall be distributed per capita among the members of the tribe of which such minor is a member; and the Secretary of the Treasury is hereby authorized and directed to allow interest on such unpaid amounts belonging to said minors as shall be certified by the Secretary of the Interior as entitled to draw interest under this act. (June 21, 1906, 34 Stat. L., 327.)

[248. *Deposit of money in banks.*] That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior. (April 30, 1908, 35 Stat. L., 73.)

[249.] . . . That . . . any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *And provided further*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

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SEC. 33. That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes, in Oklahoma . . . (June 25, 1910, 36 Stat. L., 856, 863).

[250. *Payments per capita to individual Indians.*] That any sums of money hereafter to be paid per capita to individual Indians shall be paid to the said Indians by an officer of the Government designated by the Secretary of the Interior. (June 10, 1896, 29 Stat. L., 336.)

[251. *Payments in satisfaction of judgments.*] SEC. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law. (March 3, 1911, 36 Stat. L., 1077.)

[252. *Estimates of tribal funds.*] SEC. 27. On the first Monday in December, nineteen hundred and seventeen, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute, (third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: . . . (May 18, 1916, 39 Stat. L., 158.)

[253. *Statement of fiscal affairs of Indian tribes.*] SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization. (March 3, 1911, 36 Stat. L., 1077.)

#### **ANNUITY PAYMENTS UNDER TREATY STIPULATIONS AND DISTRIBUTION OF SUPPLIES.**

[254. *Payment of annuities in coin.*] SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin. (Rev. Stat.—March 3, 1865, 13 Stat. L., 561.)

[255. *Payment of annuities in goods*] SEC. 2082. The President may, at the request of any Indian tribe, to which an annuity is payable in money, cause the same to be paid in goods. . . . (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[256. *Methods of paying annuities.*] SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

First. To the chiefs of a tribe, for the tribe.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737; March 3, 1847, 9 Stat. L., 203; Aug. 30, 1852, 10 Stat. L., 56; July 15, 1870, 16 Stat. L., 360.)

[257.] SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe, such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in

the original package, as nearly as practicable, and in the presence of the headmen of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent. (Rev. Stat.—April 10, 1869, 16 Stat. L., 39.)

[258. *Indians eighteen years of age to have right to receipt for annuity.*] SEC. 8. That hereafter all Indians when they shall arrive at the age of eighteen years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office. (March 1, 1899, 30 Stat. L., 947.)

[259. *Person paying money or goods.*] SEC. 2083. . . . and all payments to them [Indians] of money or goods shall be made by such person as the President shall designate for that purpose. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[260. *Persons present at delivery of annuities.*] SEC. 2088. The superintendent, agent, or subagent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[261.] SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct. (Rev. Stat.—March 3, 1857, 11 Stat. L., 169.)

[262. *Withholding of annuities on account of intoxicating liquors.*] SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country. (Rev. Stat.—March 3, 1847, 9 Stat. L., 203.)

[263. *Withholding of annuities of hostile Indians.*] SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report. (Rev. Stat.—March 2, 1867, 14 Stat. L., 515.)

[264. *Withholding of goods from chiefs violating treaty stipulations.*] SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part. (Rev. Stat.—April 10, 1869, 16 Stat. L. 39.)

[265. *Withholding of moneys due Indians holding captives.*] . . . that the Secretary of the Interior be authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said captives shall be surrendered to the lawful authorities of the United States. (March 3, 1875, 18 Stat. L., 424.)

[266. *Commutation of rations and supplies.*] SEC. 7. That hereafter when, in the judgment of the Secretary of the Interior any Indian tribe, or part thereof, who are receiving rations and clothing and other supplies under this act, are sufficiently advanced in civilization to purchase such rations and clothing and other supplies judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior. (July 1, 1898, 30 Stat. L., 596.)

[267. *Rations.*] SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered. (Rev. Stat.—June 30, 1834, 4 Stat. L., 738.)

[268. *Report of Indians present and receiving food.*] SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same. (Rev. Stat.—February 14, 1873, 17 Stat. L., 463.)

[269. *Supplies to be distributed to able-bodied males only after labor.*] SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is provided that . . . in distributing the supplies and annuities to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians between the ages of eighteen and forty-five to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered; and the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe: *Provided*, That the Secretary of the Interior may, by written order, except any particular tribe, or portion of tribe, from the operation of this provision where he deems it proper and expedient. (March 3, 1875, 18 Stat. L., 449.)



[270. *Rolls of Indians entitled to supplies.*] SEC. 4. That hereafter, for the purpose of properly distributing the supplies appropriated for the Indian Service, it is . . . the duty of each agent in charge of Indians and having supplies to distribute, to make out, at the commencement of each fiscal year, rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance. (March 3, 1875, 18 Stat. L., 449.)

#### PURCHASING AND TRANSPORTING SUPPLIES.

[271. *Purchase of supplies without authority.*] SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians. (Rev. Stat.—July 15, 1870, 16 Stat. L., 360.)

[272. *Purchase of goods.*] SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians and all payments to them of money or goods shall be made by such person as the President shall designate for that purpose. (Rev. Stat.—June 30, 1834, 4 Stat. L., 737.)

[273.] SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section. (Rev. Stat.—July 5, 1862, 12 Stat. L., 529.)

[274. *Advertising.*] That no purchase of supplies for which appropriations are . . . made for the Indian Service, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, not to exceed the sum of five thousand dollars in any one purchase or contract, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. (April 30, 1908, 35 Stat. L., 71.)

[275.] SEC. 23. Hereafter the purchase of Indian supplies shall be made in conformity with the requirements of section 3709<sup>n</sup> of the Revised Statutes of the United States: *Provided*, That so far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of the Interior. All acts and parts of acts in conflict with the provisions of this section are hereby repealed. (June 25, 1910, 36 Stat. L., 861.)<sup>m</sup>

[276.] . . . That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$50 each, and section twenty-three of the act of June 25, 1910<sup>m</sup> (Thirty-sixth Statutes at Large, page 861), is hereby amended accordingly. (May 18, 1916, 39 Stat. L., 126.)

[277. *Bids to be accompanied by a check.*] That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian Service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of five thousand dollars, shall accompany their bids with a certified check, draft, or cashier's check, payable to the order of the Commissioner of Indian Affairs, upon some United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, or by an acceptable bond in favor of the United States, which check, draft, or bond shall be for five per centum of the amount of the goods, supplies, transportation, and so forth, as aforesaid; and in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder, or the sureties on his bond, shall forfeit the amount so deposited or guaranteed to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed as aforesaid, such draft, check, or bond so deposited shall be returned to the bidder. (March 3, 1875, 18 Stat. L., 450, as reenacted May 18, 1916, 39 Stat. L., 129.)

[278 *Copies of contracts to be submitted to auditor.*] SEC. 7. . . . That copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian Service, shall be furnished to

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<sup>n</sup> Section 3709 of the Revised Statutes is as follows:

"All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals."

<sup>m</sup> See next entry.

<sup>n</sup> See preceding entry.

the Second Auditor of the Treasury," before any payment shall be made thereon. (March 3, 1875, 18 Stat. L., 450.)

[279. *Proposals to be preserved and filed.*] SEC. 3. That in all lettings of contracts in connection with the Indian Service the proposals or bids received shall be filed and preserved; and an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury." (August 15, 1876, 19 Stat. L., 199 as amended June 21, 1906, 34 Stat. L., 328.)

[280. *Contracts for supplies in advance of appropriations.*] SEC. 4. That hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian Service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made, and the contracts so made shall be on the basis of the appropriations for the preceding fiscal year and shall contain a clause that no deliveries shall be made under the same and no liability attach to the United States in consequence of such execution if Congress fails to make an appropriation for such contract for the fiscal year for which those supplies are required. . . . (August 15, 1894, 28 Stat. L., 312.)

[281. *Purchase of articles manufactured at schools.*] . . . That the Secretary of the Interior . . . is authorized, whenever it can be done advantageously, to purchase for use in the Indian Service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian Service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time. (May 11, 1880, 21 Stat. L., 131.)

[282. *Report on contracts.*] . . . and hereafter he [the Commissioner of Indian Affairs] shall embody in his annual report only a detailed statement of the award of contracts made for any services, supplies, and annuity goods for the Indian Service; " . . . (June 21, 1906, 34 Stat. L., 328.)

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<sup>81</sup>By the act of July 31, 1894 (28 Stat. L., 206), the examination of the accounts of the Indian office was placed in the hands of the Auditor for the Interior Department; by the act of June 10, 1921 (42 Stat. L., 23), the offices of auditors were abolished and their duties placed on the Comptroller General.

<sup>82</sup>By the act of July 31, 1894 (28 Stat. L., 208), the office of Second Comptroller of the Treasury was abolished and his duties transferred to the Comptroller of the Treasury; by the act of June 10, 1921 (42 Stat. L., 23), the Office of Comptroller was abolished and his duties transferred to the Comptroller General.

<sup>83</sup>Beginning with the fiscal year 1922 the following provision has been carried each year in an appropriation act: "The heads of the various executive departments and Government establishments are hereby authorized to discontinue the printing of any annual or special reports under their

[283. *Warehouses.*] . . . That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, St. Louis, and San Francisco." . . . (April 30, 1908, 35 Stat. L., 73.)

[284. *Transportation over land grant railroads.*] . . . That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid to said land-grant roads: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service. (April 30, 1908, 35 Stat. L., 73.)

[285. *Wagon transportation.*] . . . And whenever practicable wagon transportation may be performed by Indian labor; and whenever it is so performed the Commissioner of Indian Affairs is hereby authorized to hire a storehouse at any railroad whenever necessary, and to employ a storekeeper therefor, and to furnish in advance the Indians who will do the transportation with wagons and harness . . . *Provided*, That hereafter contracts involving an expenditure of more than two thousand dollars shall be advertised and let to the lowest responsible bidder. (March 3, 1877, 19 Stat. L., 291.)

[286.] That from and after the passage of this act, Indian goods and supplies shall be transported under contract as provided in the act of March 3, 1877,<sup>88</sup> or in open market by common carriers, as the Secretary of the Interior in his discretion shall determine. (July 7, 1898, 30 Stat. L., 676.)

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respective jurisdiction: *Provided*, That where the printing of said reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or Government establishments for public inspection."

<sup>87</sup> Recent appropriation acts provide that not more than three warehouses shall be maintained.

<sup>88</sup> See preceding entry.

[287. *False vouchers, accounts, or claims.*] SEC. 8. That any disbursing or other officer of the United States, or other person, who shall knowingly present, or cause to be presented, any voucher, account or claim to any officer of the United States, for approval or payment, or for the purpose of securing a credit in any account with the United States, relating to any matter pertaining to the Indian Service, which shall contain any material misrepresentation of fact in regard to the amount due or paid, the name or character of the article furnished or received, or of the service rendered, or to the date of purchase, delivery, or performance of service, or in other particular, shall not be entitled to payment or credit for any part of said voucher, account, or claim; and if any such credit shall be given or received, or payment made, the United States may recharge the same to the officer or person receiving the credit or payment, and recover the amount from either or from both, in the same manner as other debts due the United States are collected: *Provided*, That where an account contains more than one voucher the foregoing shall apply only to such vouchers as contain the misrepresentation: *And provided further*, That the officers and persons by and between whom the business is transacted shall, in all civil actions in settlement of accounts, be presumed to know the facts in relation to the matter set forth in the voucher, account, or claim, *And provided further*, That the foregoing shall be in addition to the penalties now prescribed by law, and in no way affect proceedings under existing law for like offenses. That where practicable this section shall be printed on the blank forms of vouchers provided for general use. (July 4, 1884, 23 Stat. L., 97.)

#### EDUCATION AND SCHOOLS.

[288. *President to employ instructors.*] SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress. (Rev. Stat.—March 3, 1819, 3 Stat. L., 516.)

[289. *Supervision of expenditures for schools.*] That all expenditure of money . . . appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior. . . . (April 30, 1908, 35 Stat. L., 72.)

[290. *Detail of Army officer.*] SEC. 7. That the Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education. (June 23, 1879, 21 Stat. L., 35.)<sup>22</sup>

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<sup>22</sup> This act was to allow the detail of Capt. Pratt to the Carlisle School.

[291. *Vacant military posts or barracks for schools.*] That the Secretary of War is authorized to set aside, for use in the establishment of normal and industrial training schools for Indian youth from the nomadic tribes having educational treaty claims upon the United States, any vacant posts or barracks, so long as they may not be required for military occupation, and to detail one or more officers of the Army for duty in connection with Indian education, under the direction of the Secretary of the Interior, at each such school so established: *Provided*, That moneys appropriated or to be appropriated for general purposes of education among the Indians may be expended, under the direction of the Secretary of the Interior, for the education of Indian youth at such posts, institutions, and schools as he may consider advantageous, or as Congress from time to time may authorize and provide. (July 31, 1882, 22 Stat. L., 181.)

[292. *Indian Reform School.*] The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School," and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: *Provided*, That the appropriation for collection and transportation, and so forth, of pupils, and the specific appropriation for such school so selected shall be available for its support and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school. (June 21, 1906, 34 Stat. L., 328.)

[293. *Discontinuance of reservation schools.*] . . . That the Commissioner of Indian Affairs may, when in his judgment the good of the service will be promoted thereby suspend or discontinue any reservation Indian school, and, with the approval of the Secretary of the Interior may sell any reservation school building or plant, that is no longer desirable as an Indian school upon any reservation and invest the proceeds in other school buildings and plants, as the needs of the service may demand, under such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe. (April 21, 1904, 33 Stat. L., 211.)

[294. *Per capita expenditure for schools.*] That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than \$270 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than two hundred pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$300: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be based upon average attendance, determined by dividing the total daily attendance by the number of days the school is in session. . . . (June 30, 1919, 41 Stat. L., 6, as amended February 21, 1925, 43 Stat. L., 958.)<sup>90</sup>

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<sup>90</sup> Supersedes, but does not expressly repeal, provision for per capita cost in act of April 30, 1908 (35 Stat. L., 72), and act of May 25, 1918 (40 Stat. L., 565.)

[295. *Educational leave of absence to school employees.*] . . . That hereafter employees of the Indian schools may be allowed, in addition to annual leave, educational leave *not* to exceed thirty days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interest of the service require, and under such regulations as the Secretary of the Interior may prescribe, and no additional salary or expense on account of this leave of absence shall be incurred. (August 24, 1912, 37 Stat. L., 519, as reenacted August 24, 1922, 42 Stat. L., 829.)

[296. *White children in day schools.*] That hereafter white children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*, That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States Treasury to reimburse the funds out of which the schools last mentioned are maintained. (March 1, 1907, 34 Stat. L., 1018.)

[297. *White children in boarding schools.*] . . . That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported. (March 3, 1909, 35 Stat. L., 783.)

[298. *Children taking lands in severalty not excluded.*] That hereafter in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken or may hereafter take lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation. (August 15, 1894, 28 Stat. L., 311.)

[299. *Expenditure for children with less than one-fourth Indian blood.*] . . . That hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided. . . . (May 25, 1918, 40 Stat. L., 564.)

[300. *Sending child to school out of State.*] That hereafter no Indian child shall be sent from any Indian reservation to a school beyond the State or Territory in which said reservation is situated without the voluntary consent of the father or mother of such child if either of them are living, and if neither of them are living without the voluntary consent of the next of kin of such child. Such consent shall be made before the agent of the reservation, and he shall send to the Commissioner of Indian Affairs his certificate that such consent has been voluntarily given before such child shall be removed from such reservation. And it shall be unlawful for any Indian agent or other employee of the Government to induce, or seek to induce, by withholding

rations or by other improper means, the parents or next of kin of any Indian to consent to the removal of any Indian child beyond the limits of any reservation. (March 2, 1895, 28 Stat. L., 906.)<sup>21</sup>

[301.] . . . That hereafter no Indian child shall be taken from any school in any State or Territory to a school in any other State against its will or without the written consent of its parents. (June 10, 1896, 29 Stat. L., 348.)

[302.] . . . That no Indian pupil under the age of fourteen years shall be transported at Government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory. . . . (March 3, 1909, 35 Stat. L., 783.)

[303. *Regulations for attendance at schools.*] That hereafter the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is . . . authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit. (July 13, 1892, 27 Stat. L., 143.)

[304.] The Secretary of the Interior may in his discretion, establish such regulations as will prevent the issuing of rations or the furnishing of subsistence either in money or in kind to the head of any Indian family for [or] on account of any Indian child or children between the ages of eight and twenty-one years who shall not have attended school during the preceding year in accordance with such regulations. This provision shall not apply to reservations or part of reservations where sufficient school facilities have not been furnished nor until full notice of such regulations shall have been given to the Indians to be affected thereby.

The amount and value of subsistence so withheld shall be credited to the tribe or tribes from whom the same is withheld, to be issued and paid when in the judgment of the Secretary of the Interior they shall have fully complied with such regulations. (March 3, 1893, 27 Stat. L., 628.)

[305.] Hereafter the Secretary of the Interior may in his discretion withhold rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year. (March 3, 1893, 27 Stat. L., 635.)

[306.] . . . That hereafter the Secretary of the Interior is authorized to make and enforce such rules and regulations as may be necessary to secure the enrollment and regular attendance of eligible Indian children who are wards of the Government in schools maintained for their benefit by the United States or in public schools: . . . (February 14, 1920, 41 Stat. L., 410.)

[307. *Rations to mission schools.*] Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents. (June 21, 1906, 34 Stat. L., 326.)

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<sup>21</sup> A similar provision appeared in the act of August 15, 1894 (28 Stat. L., 313.)



[308. *No appropriation for sectarian schools.*] . . . And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school. . . . (June 7, 1897, 30 Stat. L., 79.)

[309.] SEC. 21. . . . And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school. (March 2, 1917, 39 Stat. L., 988.)

## APPROPRIATIONS AND EXPENDITURES.

### General Provisions.

[310. *Appropriations authorized.*] That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incidental expenses in connection with the administration of Indian affairs. (November 2, 1921, 42 Stat. L., 208.)

[311. *Supplies to be distributed so as to prevent deficiencies.*] SEC. 6. That hereafter, it shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies; and no expenditure shall be made or liability incurred on the part of the Government on account of the Indian Service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year. (March 3, 1875, 18 Stat. L., 450.)

[312. *Appropriations for supplies available immediately.*] . . . That so much of the appropriations of any annual Indian appropriation act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year. (March 1, 1907, 34 Stat. L., 1016.)

[313. *Use of surplus of appropriations.*] That hereafter the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion. (March 1, 1907, 34 Stat. L., 1016.)

[314. *Specific appropriations to be charged with wagon transportation.*] . . . That all wagon transportation from the point where delivery is made by the last common carrier to the agency, school, or elsewhere, and between points on the reservation or elsewhere, shall hereafter be paid from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are purchased. (June 30, 1913, 38 Stat. L., 79.)

[315. *Transfer of appropriations for employees and supplies.*] That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision. . . . (March 1, 1907, 34 Stat. L., 1016.)

[316. *Appropriations for buildings to be used for transportation of materials.*] . . . That appropriations herein or hereafter made for specified buildings in the Indian Service shall be used for the transportation of materials purchased therefrom . . . (January 12, 1927, 44 Stat. L., 939.)

[317. *Indian Service Supply Fund.*] . . . That hereafter from time to time there is authorized to be transferred from each or any appropriation or fund available for the purchase of supplies for the Indian Service, to a fund to be set up and carried on the books of the Treasury as an Indian Service supply fund, such amounts as the Secretary of the Interior may estimate to be required to pay for supplies purchased through Indian warehouses for the Indian field service; and the expenditure of the said Indian Service supply fund for the purpose stated is hereby authorized, necessary adjustments to be made thereafter to the end that each appropriation and fund ultimately will be charged only with the cost of the supplies legally chargeable thereto. (January 12, 1927, 44 Stat. L., 939.)

#### **Estimates.**

[318. *Estimates for Personal Services in Indian Office.*] For the fiscal year 1914 and annually thereafter estimates in detail shall be submitted for

all personal services required in the Indian Office, and . . . it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation acts,<sup>92</sup> except temporary details of field employees for service connected solely with their respective employments. (August 23, 1912, 37 Stat. L., 396.)

[319. *Estimates for field service.*] SEC. 4. That hereafter the estimates for appropriations for the Indian Service shall be presented in such form as to show the amounts required for each of the agencies in the several states or territories and for said states and territories respectively.<sup>91</sup> (August 15, 1876, 19 Stat. L., 200.)

**Limitation on Expenditures.<sup>91</sup>**

[320. *Limitation on expenditures for employees at agencies.*]<sup>95</sup> That hereafter not more than fifteen thousand dollars shall be paid in any one year for salaries or compensation of employees regularly employed at any one agency, for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior and none other shall be employed: *Provided*, That where two or more Indian agencies have been or may hereafter be consolidated, the expenditure of such consolidated agencies for regular employees shall not exceed twenty thousand dollars: *Provided further*, That salaries or compensation of agents, Indians, school employees of every description, and persons temporarily employed in case of emergency to prevent loss of life and property, in the erection of buildings, the work of irrigation, and making other permanent improvements, shall not be construed as coming within the limitations fixed by the foregoing paragraphs. [paragraph] (June 7, 1897, 30 Stat. L., 90, as amended August 24, 1912, 37 Stat. L., 521.)

[321. *Appropriations for salaries of agents not available for army officers.*] The appropriations herein or hereafter made for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any active officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies hereafter named. . . . (March 1, 1907, 34 Stat. L., 1020.)

[322. *Appropriations not paid to Indians at war with United States.*] SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian Service, shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories. (March 3, 1875, 18 Stat. L., 449.)

<sup>92</sup> The legislative, executive, and judicial appropriation act is no longer enacted. All appropriations for the Indian Service are now in the Interior Department appropriation act. The act of June 22, 1906 (34 Stat. L., 448), requires estimates to be submitted "according to the order and arrangement of the appropriation acts for the year preceding."

<sup>93</sup> See second sentence of preceding footnote.

<sup>94</sup> Limitations on expenditures for education are given under that heading.

<sup>95</sup> Several later acts specifically except the Osage Agency from the provision; recent appropriation acts have also provided that the amount paid for certain employees shall not be included in the limitations fixed above.

[323. *General appropriations not to be used for depredation claims.*] SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make appropriation therefor. (Rev. Stat.—July 15, 1870, 16 Stat. L., 360.)

[324. *Appropriations for treaty stipulations not to be transferred.*] SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law. (Rev. Stat.—July 26, 1866, 14 Stat. L., 280.)

#### Reports on Appropriations and Expenditures.

[325. *Annual account of reimbursable appropriations.*] Hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore . . . or hereafter . . . made, which by law are required to be reimbursed to the United States, crediting in said accounts the sums so reimbursed, if any; and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the proper auditor of the Treasury Department<sup>90</sup> and the balances arising thereon certified to the Secretary of the Treasury. . . . (April 4, 1910, 36 Stat. L., 270.)

[326. *Report on appropriation for encouraging industry.*] . . . That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians. . . . (August 1, 1914, 38 Stat. L., 587.)

#### Permanent Appropriations.<sup>91</sup>

[327. *Appropriation to carry out treaties.*] SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section<sup>92</sup> are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President. (Rev. Stat.—January 9, 1837, 5 Stat. L., 135.)

<sup>90</sup> The auditors were abolished by the act of June 10, 1921 (42 Stat. L., 23), and their duties transferred to the Comptroller General.

<sup>91</sup> The permanent authority for the use of certain tribal moneys is given in Entry 240 *et seq.*; authority for the use of other tribal money is given in acts relating to the affairs of specific Indians.

<sup>92</sup> For Section 2093, Revised Statutes, see Entry 226.

**Annual Appropriations.**

[328. *Appropriations for the fiscal year 1928.*] That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior for the fiscal year ending June 30, 1928, namely:

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**BUREAU OF INDIAN AFFAIRS****SALARIES**

For the Commissioner of Indian Affairs, and other personal services in the District of Columbia in accordance with the Classification Act of 1923, \$356,000.

**GENERAL EXPENSES**

For transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for telegraph and telephone toll messages on business pertaining to the Indian Service sent and received by the Bureau of Indian Affairs at Washington, and for other necessary expenses of the Indian Service for which no other appropriation is available, \$16,000: *Provided*, That not to exceed \$5000 of this appropriation may be used for continuing the work of the competency commission to the Five Civilized Tribes of Oklahoma: *Provided further*, That not to exceed \$1000 of the amount herein appropriated may be expended out of applicable funds in the work of determining the competency of Indians on Indian reservations outside of the Five Civilized Tribes in Oklahoma.

For expenses necessary to the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$550,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service: *Provided further*, That no part of this appropriation shall be used in payment for any services except bill therefor is rendered within one year from the time the service is performed: *Provided further*, That appropriations herein or hereafter made for specified buildings in the Indian Service shall be used for the transportation of materials purchased therefrom: *Provided further*, That hereafter from time to time there is authorized to be transferred from each or any appropriation or fund available for the purchase of supplies for the Indian Service, to a fund to be set up and carried on the books of the Treasury as an Indian Service supply fund, such amounts as the Secretary of the Interior may estimate to be required to pay for supplies purchased through Indian warehouses for the Indian field service; and the expenditure of the said Indian Service supply fund for the purpose stated is hereby authorized, necessary adjustments to be made thereafter to the end that each appropriation and fund ultimately will be charged only with the cost of the supplies legally chargeable thereto.

For pay of special Indian Service inspector and two Indian Service inspectors, and traveling and incidental expenses, \$16,000.

For pay of judges of Indian courts where tribal relations now exist, at rates to be fixed by the Commissioner of Indian Affairs, \$15,000.

For pay of Indian police, including chiefs of police at not to exceed \$60 per month each and privates at not to exceed \$40 per month each, to be employed in maintaining order, for purchase of equipments and supplies, and for rations for policemen at non-ration agencies, \$160,000.

For the suppression of the traffic in intoxicating liquors and deleterious drugs, including peyote, among Indians, \$22,000.

For construction, lease, purchase, repair, and improvement of agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$150,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of roads and bridges on Indian reservations and other lands devoted to the Indian Service.

That not to exceed \$150,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$3000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed \$35,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

That to meet possible emergencies, not exceeding \$100,000 of the appropriations made by this act for support of reservation and nonreservation schools, for school and agency buildings, and for preservation of health among Indians, shall be available, upon approval of the Secretary of the Interior, for replacing any buildings, equipment, supplies, livestock, or other property of those activities of the Indian Service above referred to which may be destroyed or rendered unserviceable by fire, flood, or storm: *Provided*, That the limit of \$7500 for new construction contained in the appropriation for Indian school buildings shall not apply to such emergency expenditures: *And provided further*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

#### EXPENSES IN PROBATE MATTERS

For the purpose of determining the heirs of deceased Indian allottees having right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$64,000, reimbursable as provided by existing law, of which \$14,000 shall be available for personal services in the District of Columbia: *Provided*, That the provisions of this paragraph shall not apply to the Osage Indians nor to the Five Civilized Tribes of Oklahoma.

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$37,000: *Provided*, That no part of this appropriation shall be available for the payment of attorneys or other employees unless appointed after a competitive examination by the Civil Service Commission and from an eligible list furnished by such commission.

#### EXPENSES OF INDIAN COMMISSIONERS

For expenses of the Board of Indian Commissioners, \$11,000, of which amount not to exceed \$7800 may be expended for personal services in the District of Columbia.

## INDIAN LANDS

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388),<sup>90</sup> entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$40,000, reimbursable: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

For surveying and allotting lands on the Red Lake Reservation, Minnesota, \$10,000, payable from the Red Lake Four Per Cent Fund.

For the payment of newspaper advertisements of sales of Indian lands, \$500, reimbursable from payments by purchasers of costs of sale, under such rules and regulations as the Secretary of the Interior may prescribe.

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$3300, or so much thereof as the Secretary of the Interior may deem necessary.

For payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof, as provided for in the act approved February 22, 1921, entitled "An act authorizing the Secretary of the Interior to offer for sale remainder of the coal and asphalt deposits in segregated mineral land in the Choctaw and Chickasaw Nations, State of Oklahoma" (Forty-first Statutes at Large, page 1107), and of the improvements thereon, which is hereby expressly authorized, and for other work necessary to a final settlement of the affairs of the Five Civilized Tribes, \$6000, to be paid from the proceeds of sales of such tribal lands and property.

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$7000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

For the purchase of lands, including improvements thereon, not exceeding eighty acres for any one family, for the use and occupancy of the full-blood Choctaw Indians of Mississippi, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States under such rules and regulations as he may direct, \$3500.

For carrying out the provisions of the act entitled "An act providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians in North Carolina," approved June 4, 1924, \$7000, or so much thereof as may be necessary.

For maintenance and support and improvement of the homesteads of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, \$100,000, to be paid from the funds held by the United States in trust for said Indians and to be expended under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall

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<sup>90</sup> See Entry 145, *et seq.*

report to Congress on the first Monday in December, 1928, a detailed statement as to all moneys expended as provided for herein.

For payment to the Kiowa, Comanche, and Apache Indians, of Oklahoma, from the tribal trust fund established by Joint Resolution of Congress, approved June 12, 1926 (Forty-fourth Statutes at Large, page 740), being a part of the Indians' share of the money derived from the south half of the Red River in Oklahoma, \$100,000: *Provided*, That the said sum shall be distributed share and share alike to all recognized members of the Kiowa, Comanche, and Apache Tribes, who are living on the date of the passage of this act, under such regulations as the Secretary of the Interior may prescribe.

#### INDUSTRIAL ASSISTANCE AND ADVANCEMENT

For the purposes of preserving living and growing timber on Indian reservations and allotments other than the Menominee Indian Reservation in Wisconsin, and to educate Indians in the proper care of forests; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$315,000: *Provided*, That this appropriation shall be available for the expenses of administration of Indian forest lands from which timber is sold to the extent only that proceeds from the sales of timber from such lands are insufficient for that purpose: *Provided further*, That not to exceed \$20,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, physicians, nurses, and other hospital employees, and stockmen provided for in this act shall not be included within the limitations on salaries and compensation of employees contained in the act of August 24, 1912.<sup>1</sup>

For expenses incidental to the sale of timber, and for the expenses of administration of Indian forest lands from which such timber is sold to the extent that the proceeds of such sales are sufficient for that purpose, \$200,000, reimbursable to the United States as provided in the act of February 14, 1920 (Forty-first Statutes at Large, page 415).<sup>2</sup>

To meet possible emergencies, not exceeding \$50,000 of the funds held by the United States in trust for the respective tribes of Indians interested and not exceeding \$50,000 of the appropriations made by this act for timber operations in the Indian Service; in all, \$100,000, is hereby made available for the suppression of forest fires on Indian reservations: *Provided*, That any diversions of appropriations made hereunder shall be reported to Congress in the annual Budget.

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$175,000, or so much thereof as may be necessary, which sum may be used for the purchase of seeds, animals, machinery, tools, implements, and other

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<sup>1</sup> See Entry 320.

<sup>2</sup> See Entry 187.



equipment necessary, and for advances to Indians having irrigable allotments to assist them in the development and cultivation thereof, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That the expenditures for the purposes above set forth shall be under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1933: *Provided further*, That not to exceed \$15,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians, and that no part of this appropriation shall be used for the purchase of tribal herds: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion and under such rules and regulations as he may prescribe, to make advances from this appropriation to old, disabled, or indigent Indian allottees, for their support, to remain a charge and lien against their lands until paid.

For reimbursing Indians for livestock which may be hereafter destroyed on account of being infected with dourine or other contagious diseases, and for expenses in connection with the work of eradicating and preventing such diseases, to be expended under such rules and regulations as the Secretary of the Interior may prescribe, \$30,000, to be immediately available.

#### DEVELOPMENT OF WATER SUPPLY

For improving springs, drilling wells, and otherwise developing and conserving water for the use of Indian stock, including the purchase, construction, and installation of pumping machinery, tanks, troughs, and other necessary equipment, and for necessary investigations and surveys, for the purpose of increasing the available grazing range on unallotted lands on Indian reservations, \$5000, to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the necessity exists on any Indian reservation so far as the Indians themselves are concerned.

For operation and maintenance of pumping plants for distribution of a water supply for Papago Indian villages in southern Arizona, and construction of charcos, \$18,000.

For continuing the development of a water supply for the Navajo and Hopi Indians on the Hopi Reservation, and the Navajo, Pueblo Bonito, San Juan, and Western Navajo subdivisions of the Navajo Reservation in Arizona and New Mexico, \$43,000, reimbursable out of any funds of said Indians now or hereafter available.

For continuing the sinking of wells on Pueblo Indian land, New Mexico, to provide water for domestic and stock purposes, and for building tanks, troughs, pipe lines, and other necessary structures for the utilization of such water, \$3500.

#### IRRIGATION AND DRAINAGE

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below, in not to exceed the following amounts, respectively:

Irrigation district one: Colville Reservation, Washington, \$6000;

Irrigation district two: Walker River Reservation, Nevada, \$4500; Western Shoshone Reservation, Idaho and Nevada, \$4000; Shivwits, Utah, \$250;

Irrigation district four: Ak Chin Reservation, Arizona, \$4000; Chiu Chui pumping plants, Arizona, \$6000; Coachella Valley pumping plants, California, \$3500; Morongo Reservation, California, \$3500; Pala and Rincon Reservations, California, \$2000; miscellaneous projects, \$4000;

Irrigation district five: New Mexico Pueblos, \$13,000, of which amount not to exceed \$725 shall be available for payment of damages to crops and improvements destroyed in constructing the Isleta drainage canal; Zuni Reservation, New Mexico, \$7500; Navajo and Hopi, miscellaneous projects, Arizona and New Mexico, including Tes-nos-pos, Moencopi Wash, Kin-le-chee, Wide Ruins, Red Lake, Corn Creek, Wepo Wash, Oraibi Wash, and Polacca Wash, \$10,000; Southern Ute Reservation, Colorado, \$10,000;

For necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries of not to exceed five supervising engineers, for pay of one chief irrigation engineer, one assistant chief irrigation engineer, one superintendent of irrigation competent to pass upon water rights, one field cost accountant, and for traveling and incidental expenses of officials and employees of the Indian irrigation service, \$75,000;

For cooperative stream gauging with the United States Geological Survey, \$850;

In all, for irrigation on Indian reservations, not to exceed \$150,000, reimbursable as provided in the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 582)\*: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably, in the discretion of the Secretary of the Interior, for the necessary expenditures for damages by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per centum of all the amounts so appropriated.

For operation and maintenance of the pumping plants and irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, Arizona, \$13,000, reimbursable as provided in Section 2 of the act of August 24, 1912 (Thirty-seventh Statutes at Large, page 522).

For all purposes necessary for continuing the construction of the canals and structures and for drains, pumping plants, transmission lines, and other project works, and for the maintenance and operation of existing structures, to distribute the waters of the San Carlos project to the Indian lands of the Gila River Indian Reservation, and to public and private lands in Pinal County, Arizona, begun under the Indian Appropriation Act of May 18, 1916, so as to provide for an adequate distribution system for the waters of the San Carlos storage project as authorized by the act of Congress approved June 7, 1924, reimbursable as provided in said act of June 7, 1924, \$150,000: *Provided*, That the unexpended balance of the appropriation for this purpose for the fiscal year 1927 shall remain available for the fiscal year 1928.

For continuing construction of the Coolidge Dam across the Canyon of the Gila River near San Carlos, Arizona, as authorized by the act of June 7, 1924 (Forty-third Statutes at Large, pages 475 and 476), and under the terms and conditions of, and reimbursable as provided in said act, \$750,000: *Provided*,

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\* See Entry 214.

That the unexpended balance of the appropriations for this purpose for the fiscal year 1927 shall remain available for the fiscal year 1928: *Provided further*, That consulting engineers may be employed by the Secretary of the Interior in the manner and under the terms provided in the act of March 18, 1926 (Public Law Numbered 50) [44 Stat. L., 212], for advice relating to the construction of said dam.

For improvement, operation, and maintenance of the pumping plants and irrigation system on the Colorado River Indian Reservation, Arizona, as provided in the act of April 4, 1910 (Thirty-sixth Statutes at Large, page 273), \$10,000, reimbursable as provided in the aforesaid act.

For operation and maintenance of the Ganado irrigation project, Arizona, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe, \$2800.

For operation and maintenance of the irrigation project on the San Xavier Indian Reservation, Arizona, \$2000, reimbursable out of any funds of the Indians of this reservation now or hereafter available.

For the operation and maintenance of pumping plants and for the drilling of wells and installation of additional pumping plants for the irrigation of lands on the San Carlos Reservation in Arizona, \$10,000, to be paid from the funds held by the United States in trust for the Indians of such reservation: *Provided*, That the sum so used shall be reimbursed to the tribe by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

For reclamation and maintenance charges on Indian lands within the Yuma Reservation, California, and on ten acres within each of the eleven Yuma homestead entries in Arizona, under the Yuma reclamation project, \$10,000, reimbursable as provided by the act of March 3, 1911 (Thirty-sixth Statutes at Large, page 1063).

For improvement, maintenance, and operation of the Fort Hall irrigation system, Idaho, \$28,000.

For surveys and investigations for the protection of water rights on the Blackfoot River, including investigation of any damage resulting from the operation of the Blackfoot Reservoir, \$12,000, payable from funds received from the sale of excess stored waters of the Blackfoot Reservoir.

For maintenance and operation, including repairs of the irrigation systems on the Fort Belknap Reservation, in Montana, \$18,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

Flathead irrigation project, Montana: For operation and maintenance, \$25,000, to be immediately available: *Provided*, That of the unexpended balance of the appropriation for this project for the fiscal year 1927 there is hereby reappropriated and made available for the fiscal years 1927 and 1928, \$40,000 for construction of the South Side Jocko Canal, available when the Jocko irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions provided for a contract in the appropriation for this project for the fiscal year 1927: *Provided further*, That of said unexpended balance there is hereby reappropriated and made available for the fiscal years 1927 and 1928 not to exceed the following amounts: Pablo Feed Canal enlargement, \$100,000; Moiese Canal enlargement, \$15,000; Hubbart Feed Canal, \$7500; Camas A Canal, \$2500; available when the Flathead irrigation district shall properly execute an appropriate repayment contract, in form approved by the Secretary of the Interior, which contract shall, except as hereinafter provided, conform to the conditions pro-

vided for a contract in the appropriation for this project for the fiscal year 1927: *And provided further*, That the remainder of the unexpended balance of the appropriation for this project for the fiscal year 1927 shall at once become available, and remain available for the fiscal years 1927 and 1928, for continuing construction of power plant when an appropriate repayment contract, in form approved by the Secretary of the Interior, and which, except as hereinafter provided, contains the provisions set forth for such a contract in the appropriation for this project for the fiscal year 1927, shall have been executed by a district or districts organized under State law embracing not less than eighty thousand acres of the lands irrigable under the project: *And provided further*, Any contract provided for in this paragraph shall require that the net revenues derived from operation of the power plant shall be used to reimburse the United States in the following order: First, to liquidate the cost of the power development; second, to liquidate payment of the deferred obligation on the Camas Division; third, to liquidate construction cost on an equal per acre basis on each acre of irrigable land within the district or districts contracting; and fourth, to liquidate operation and maintenance costs within such district or districts.

For maintenance and operation of the Poplar River, Little Porcupine, and Big Porcupine divisions of the irrigation systems on the Fort Peck Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$9000 (reimbursable).

For improvement, maintenance, and operation of the Two Medicine and Badger-Fisher divisions of the irrigation systems on the Blackfeet Indian Reservation in Montana, by and under the direction of the Commissioner of Indian Affairs, including the purchase of any necessary rights or property, \$15,000 (reimbursable).

For maintenance and operation of the irrigation systems on the Crow Reservation, Montana, including maintenance assessments payable to the Two Leggings Water Users' Association and Bozeman Trail Ditch Company, Montana, properly assessable against lands allotted to the Indians irrigable thereunder, \$1000, to be reimbursed under such rules and regulations as may be prescribed by the Secretary of the Interior.

For operation and maintenance of the irrigation system on the Pyramid Lake Reservation, Nevada, \$3500, reimbursable from any funds of the Indians of this reservation now or hereafter available.

For payment of annual installment of reclamation charges on eight hundred and three-tenths acres of Paiute Indian lands within the Newlands project, Nevada, and for operation and maintenance charges, including operation of drains, against Indian lands within said project, \$11,325; for payment of annual drainage assessments against said lands, \$2500; in all, \$13,825, reimbursable from any funds of the said Indians now or hereafter available.

For improvement, operation, and maintenance of the irrigation system for the Laguna and Acoma Indians in New Mexico, \$3000, reimbursable by the Indians benefited, under such rules and regulations as the Secretary of the Interior may prescribe.

For improvement, operation, and maintenance of the Hogback irrigation project on that part of the Navajo Reservation in New Mexico under the jurisdiction of the San Juan Indian School, \$6000, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe.

For repair of damage to irrigation systems resulting from flood and for flood protection of irrigable lands on the several pueblos in New Mexico, \$7000.

For improvement, maintenance, and operation of the Modoc Point, Sand Creek, Fort Creek, Crooked Creek, and miscellaneous irrigation projects on the Klamath Reservation, \$6000, to be paid from the funds held by the United States in trust for the Klamath Indians in the State of Oregon, said sum, or such part thereof as may be used, to be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe.

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, and to maintain existing irrigation systems authorized under the act of June 21, 1906, \$16,000, to be reimbursed under such rules and regulations as may be prescribed by the Secretary of the Interior.

For operation and maintenance, including repairs, of the Toppenish-Simcoe irrigation unit, on the Yakima Reservation, Washington, reimbursable as provided by the act of June 30, 1919 (Forty-first Statutes at Large, page 28), \$2000.

For reimbursement to the reclamation fund the proportionate expense of operation and maintenance of the reservoirs for furnishing stored water to the lands in Yakima Indian Reservation, Washington, in accordance with the provisions of Section 22 of the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 604), \$11,000.

For continuing construction, operation, and maintenance of the Wapato irrigation and drainage system, for the utilization of the water supply provided by the act of August 1, 1914 (Thirty-eighth Statutes at Large, page 604), \$185,000, reimbursable.

For operation and maintenance of the Satus unit of the Wapato project that can be irrigated by gravity from the drainage water from the Wapato project, Yakima Reservation, Washington, \$3000, to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

For the extension of canals and laterals on the ceded portion of the Wind River Reservation, Wyoming, to provide for the irrigation of additional Indian lands, and for the Indians' pro rata share of the cost of the operation and maintenance of canals and laterals and for the Indians' pro rata share of the cost of the Big Bend drainage project on the ceded portion of that reservation, and for continuing the work of constructing an irrigation system within the diminished reservation, including the Big Wind River and Dry Creek Canals, and including the maintenance and operation of completed canals, \$40,000, reimbursable as provided by existing law: *Provided*, That not to exceed \$2000 shall be available for the purchase of land required for ditch riders' quarters on the project.

#### UNEXPENDED BALANCES

The following unexpended balances of the appropriations hereinafter enumerated shall be covered into the Treasury and carried to the surplus fund immediately upon the approval of this act:

Industry among Indians (reimbursable), act of June 30, 1913 (Thirty-eighth Statutes at Large, page 80), \$22,035.78;

Irrigation project, Wind River Reservation, Wyoming (reimbursable), act of May 25, 1918 (Fortieth Statutes at Large, page 590), \$203.61;

Indian school, Bismarck, North Dakota, dining room and kitchen, act of March 2, 1917 (Thirty-ninth Statutes at Large, page 982), \$4,763.72;  
In all, \$27,003.11.

## EDUCATION

For the support of Indian day and industrial schools not otherwise provided for, and other educational and industrial purposes in connection therewith, \$2,429,700: *Provided*, That not to exceed \$10,000 of this appropriation may be used for the support and education of deaf and dumb or blind or mentally deficient Indian children: *Provided further*, That \$3500 of this appropriation may be used for the education and civilization of the Alabama and Coushatta Indians in Texas: *Provided further*, That not more than \$20,000 of the above appropriation may be used for the education of the full-blood Choctaw Indians of Mississippi by establishing, equipping, and maintaining day schools, including the purchase of land and the construction of necessary buildings and their equipment, and for the tuition of full-blood Mississippi Choctaw Indian children enrolled in the public schools: *Provided further*, That all reservation and nonreservation boarding schools with an average attendance of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the fiscal year 1928. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or nonreservation boarding schools, to the limit of the capacity of said schools: *Provided further*, That all day schools with an average attendance of less than eight shall be discontinued on or before the beginning of the fiscal year 1928: *Provided further*, That all moneys appropriated for any school discontinued pursuant to this act or for other cause shall be returned immediately to the Treasury of the United States: *Provided further*, That not more than \$350,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools under such rules and regulations as the Secretary of the Interior may prescribe, but formal contracts shall not be required, for compliance with Section 3744 of the Revised Statutes, for payment of tuition of Indian children in public schools or of Indian children in schools for the deaf and dumb, blind, or mentally deficient: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

The Secretary of the Interior is hereby authorized to continue during the ensuing fiscal year the tribal and other schools among the Choctaw, Chickasaw, Creek, and Seminole Tribes from the tribal funds of those nations, within his discretion and under such rules and regulations as he may prescribe and to expend such funds available for school purposes under existing law for such repairs, improvements, or new buildings as he may deem essential for the proper conduct of the several schools of said tribes.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$90,000: *Provided*, That not exceeding \$7000 of this sum may be used for obtaining remunerative employment for Indians and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That when practicable such transportation and expenses shall be refunded and shall be returned to the

appropriation from which paid. The provisions of this section shall also apply to native Indian pupils of school age under twenty-one years of age brought from Alaska.

For construction, lease, purchase, repair, and improvement of school buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$225,000: *Provided*, That not more than \$7500 out of this appropriation shall be expended for new construction at any one school or institution unless herein expressly authorized: *Provided further*, That not to exceed \$25,000 of the above appropriation may be used for providing additional school facilities for the Pueblo and Hopi Indians.

For support and education of Indian pupils at the following boarding schools in not to exceed the following amounts, respectively:

Fort Mojave, Arizona: For two hundred and fifty pupils, \$56,250; for pay of superintendent, drayage, and general repairs and improvements, \$20,000, including \$9000 for new irrigation engine and pump; in all, \$76,250;

Phoenix, Arizona: For nine hundred pupils, including not to exceed \$1500 for printing and issuing school paper, \$202,500; for pay of superintendent, drayage, and general repairs and improvements, \$22,000; in all, \$224,500;

Truxton Canyon, Arizona: For two hundred and twenty-five pupils, \$50,625; for pay of superintendent, drayage, and general repairs and improvements, \$17,000, including \$9000 for addition to assembly hall; in all, \$67,625;

Theodore Roosevelt Indian School, Fort Apache, Arizona: For four hundred and fifty pupils, \$101,250; for pay of superintendent, drayage, and general repairs and improvements, \$20,000; in all, \$121,250;

Sherman Institute, Riverside, California: For one thousand pupils, including not to exceed \$1000 for printing and issuing school paper, \$225,000; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; for dairy and horse barn, \$5000; in all, \$245,000;

Fort Bidwell Indian School, California: For one hundred pupils, \$25,000; for pay of superintendent, drayage, and general repairs and improvements, \$7000; in all, \$32,000;

Haskell Institute, Lawrence, Kansas: For eight hundred and fifty pupils, including not to exceed \$1500 for printing and issuing school paper, \$191,250; for pay of superintendent, drayage, purchase of water for domestic purposes, and general repairs and improvements, including necessary drainage work, \$27,000; for remodeling and enlarging office building, \$10,000; in all, \$228,250;

Mount Pleasant, Michigan: For three hundred and seventy-five pupils, \$84,375; for pay of superintendent, drayage, and general repairs and improvements, \$12,000; in all, \$96,375: *Provided*, That the unexpended balance of \$20,000 appropriated by act of May 10, 1926 (Forty-fourth Statutes at Large, page 469), is hereby reappropriated and shall be immediately available for construction of a girls' dormitory and for remodeling and repairing the present hospital;

Pipestone, Minnesota: For three hundred pupils, \$67,500; for pay of superintendent, drayage, and general repairs and improvements, \$10,000; in all, \$77,500;

Genoa, Nebraska: For five hundred pupils, \$112,500; for pay of superintendent, drayage, and general repairs and improvements, \$19,000, including \$4000 for extension of sewer system; in all, \$131,500;

Carson City, Nevada: For four hundred and seventy-five pupils, \$106,875; for pay of superintendent, drayage, and general repairs and improvements, \$20,000, including \$5000 for addition to boys' dormitory; in all, \$126,875;

Albuquerque, New Mexico: For eight hundred and twenty-five pupils, \$185,625; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; for continuing construction of central heating plant, \$15,000; for hospital and equipment, \$65,000; in all, \$280,625;

Santa Fe, New Mexico: For four hundred and fifty pupils, \$101,250; for pay of superintendent, drayage, and general repairs and improvements, \$13,000; for water supply, \$3000; in all, \$117,250;

Charles H. Burke School, Fort Wingate, New Mexico: For five hundred pupils, \$112,500; for pay of superintendent, drayage, and general repairs and improvements, \$20,000; in all, \$132,500;

Cherokee, North Carolina: For three hundred and twenty-five pupils, \$73,125; for pay of superintendent, drayage, and general repairs and improvements, \$7000; for new school building, \$30,000; for girls' dormitory, \$20,000; for enlarging dining room, \$6000; for converting old school building into boys' dormitory, \$6000; in all, \$142,125;

Bismarck, North Dakota: For one hundred and twenty-five pupils, \$31,250; for pay of superintendent, drayage, and general repairs and improvements, \$7000; in all, \$38,250;

Fort Totten, North Dakota: For three hundred and twenty-five pupils, \$73,125; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$88,125;

Wahpeton, North Dakota: For two hundred and twenty-five pupils, \$50,625; for pay of superintendent, drayage, and general repairs and improvements, \$10,000; in all, \$60,625;

Chilocco, Oklahoma: For eight hundred pupils, including not to exceed \$2000 for printing and issuing school paper, \$160,000; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$175,000;

Sequoyah Orphan Training School, near Tahlequah, Oklahoma: For three hundred orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$67,500; for pay of superintendent, drayage, and general repairs and improvements, \$10,000; in all, \$77,500;

Euchee, Oklahoma: For one hundred and fifteen pupils, \$28,750; for pay of superintendent, drayage, and general repairs and improvements, \$7000; in all, \$35,750;

Eufaula, Oklahoma: For one hundred and twenty-five pupils, \$31,250; for pay of superintendent, drayage, and general repairs and improvements, \$7000; in all, \$38,250;

Chemawa, Salem, Oregon: For nine hundred pupils, including native Indian pupils brought from Alaska, including not to exceed \$1000 for printing and issuing school paper, \$202,500; for pay of superintendent, drayage, and general repairs and improvements, \$70,000, including \$9500 for completion of repairs to water system, and \$40,000 for an additional dormitory building; in all, \$272,500: *Provided*, That except upon the individual order of the Secretary of the Interior, no part of this appropriation shall be used for the support or education at said school of any native pupil brought from Alaska after January 1, 1925;

Flandreau, South Dakota: For four hundred pupils, \$90,000; for pay of superintendent, drayage, and general repairs and improvements, \$23,000, including \$8000 for dairy barn; in all, \$113,000;



Pierre, South Dakota: For three hundred pupils, \$67,500; for pay of superintendent, drayage, and general repairs and improvements, \$15,000; in all, \$82,500;

Rapid City, South Dakota: For three hundred and twenty-five pupils, \$73,125; for pay of superintendent, drayage, and general repairs and improvements, \$12,000, including \$5000 for extension of steam lines; in all, \$85,125;

Hayward, Wisconsin: For one hundred and fifty pupils, \$37,500; for pay of superintendent, drayage, and general repairs and improvements, \$8000; in all, \$45,500;

Tomah, Wisconsin: For three hundred and twenty-five pupils, \$73,125; for pay of superintendent, drayage, and general repairs and improvements, \$10,000; in all, \$83,125;

In all, for above-named boarding schools, not to exceed \$3,210,000.

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 1, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, \$50,000: *Provided*, That the said Secretary may expend said funds in his discretion in establishing or enlarging day or industrial schools.

The Secretary of the Interior is authorized to withdraw from the Treasury of the United States, in his discretion, the sum of \$35,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota arising under Section 7 of the act of January 14, 1889, and to expend the same for payment of tuition for Chippewa Indian children enrolled in the public schools of the State of Minnesota.

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article 3, treaty of March 19, 1867), \$4,000: *Provided*, That no part of the sum hereby appropriated shall be used except for school or schools of the Mississippi Chippewas now in the State of Minnesota.

For the education of Osage children, \$8000, to be paid from the funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma: *Provided*, That the expenditure of said money shall include the renewal of the present contract with the Saint Louis Mission Boarding School, except that there shall not be expended more than \$200 for annual support and education of any one pupil.

For aid to the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, \$150,000, to be expended in the discretion of the Secretary of the Interior, and under rules and regulations to be prescribed by him: *Provided*, That this appropriation shall not be subject to the limitation in Section 1 of the act of May 25, 1918 (Fortieth Statutes, page 564),<sup>1</sup> limiting the expenditure of money to educate children of less than one-fourth Indian blood.

For support and maintenance of day and industrial schools among the Sioux Indians, including the erection and repairs of school buildings, \$250,000, in accordance with the provisions of article 5 of the agreement made and entered into September 26, 1876, and ratified February 28, 1877 (Nineteenth Statutes, page 254).

For aid of the public schools in Uintah and Duchesne County school districts, Utah, \$6000, to be paid from the tribal funds of the Confederate Bands of Ute Indians and to be expended under such rules and regulations

<sup>1</sup> See Entry 299.

as may be prescribed by the Secretary of the Interior: *Provided*, That Indian children shall at all times be admitted to such schools on an entire equality with white children.

#### RELIEF OF DISTRESS AND CONSERVATION OF HEALTH

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including traveling expenses of officers and employees and transportation of patients to and from hospitals and sanatoria, \$948,000, of which sum not less than \$80,000 shall be used for the employment of field matrons and field or public health nurses, for furnishing equipment and supplies and renting quarters for them when necessary: *Provided*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That not to exceed \$2000 of the amount herein appropriated may be used for circulars and pamphlets for use in preventing and suppressing trachoma: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts:

Arizona: Indian Oasis Hospital, including not exceeding \$2500 for ice plant, \$13,500; Navajo Sanatorium, \$12,000; Phoenix Sanatorium, \$55,000; Pima Hospital, \$16,000; Truxton Canyon Camp Hospital, \$6000;

California: Hoopa Valley Hospital, \$12,000;

Idaho: Fort Lapwai Sanatorium, \$60,000; Fort Hall Hospital, \$10,000;

Iowa: Sac and Fox Sanatorium, \$50,000;

Mississippi: Choctaw Hospital, \$12,000;

Montana: Blackfeet Hospital, \$17,500; Fort Peck Hospital, \$15,000;

Nebraska: Winnebago Hospital, \$22,000;

Nevada: Carson Hospital, \$14,000; Pyramid Lake Sanatorium, \$24,000;

New Mexico: Jicarilla Hospital, \$11,000; Laguna Sanatorium, \$25,000; Mescalero Hospital, \$12,000;

North Dakota: Turtle Mountain Hospital, \$11,000;

Oklahoma: Cheyenne and Arapahoe Hospital, \$11,000; Choctaw and Chickasaw Hospital, \$40,000; Shawnee Sanatorium, \$42,000;

South Dakota: Crow Creek Hospital, \$7500;

Washington: Spokane Hospital, \$15,000;

In all, hospitals specifically named, \$513,500;

*Provided further*, That this appropriation shall be available for construction of hospitals and sanatoria, including equipment, as follows: For Western Navajo Hospital, Arizona, \$30,000; Yakima Sanatorium, Washington, \$60,000; in all, \$90,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, \$40,000.

## GENERAL SUPPORT AND CIVILIZATION

For general support and civilization of Indians, including pay of employees, \$900,000: *Provided*, That a report shall be made to Congress on the first Monday of December, 1928, by the Superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys from this appropriation on behalf of the said Five Civilized Tribes.

For general support and civilization of Indians, including pay of employees in accordance with treaty stipulations named, in not to exceed the following amounts respectively:

For the Cœur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article 11, agreement ratified March 3, 1891), \$4360;

For fulfilling treaty stipulations with the Bannocks, in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), \$6660;

For fulfilling treaties with Crows, Montana: For pay of physician, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), and second blacksmith (article 8, same treaty), \$6380;

For support and civilization of the Northern Cheyennes and Arapahoes (agreement with the Sioux Indians, approved February 28, 1877), including Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, and for pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer (article 7, treaty of May 10, 1868), \$80,000;

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article 3, agreement of November 23, 1892), \$30,000; for support of two manual-labor schools (article 3, treaty of September 24, 1857), \$11,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article 4, same treaty), \$7300; for purchase of iron and steel and other necessities for the shops (article 4, same treaty), \$500; for pay of physician and purchase of medicines, \$1200; in all, \$50,000;

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), \$1000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop (same article and treaty), \$1040 in all, \$2040. *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians;

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith (article 13, treaty of April 20, 1868), \$14,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article 8 of same treaty), \$1600; for pay of additional employees of the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, \$134,426; for subsistence of the Sioux and for purposes of their civilization (act of February 28, 1877), \$214,574: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; in all, \$365,000.

For support and civilization of Confederate Bands of Utes: For pay of two carpenters, two millers, two farmers, and two blacksmiths (article 15, treaty of March 2, 1868), \$9660; for pay of two teachers (same article and

treaty), \$2400; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), \$220; for annual amount for the purchase of beef, mutton, wheat flour, beans, and potatoes, or other necessary articles of food and clothing, and farming equipment (article 12, same treaty), \$23,760; for pay of employees at the several Ute agencies, \$19,000; in all, \$55,040;

For support of Spokanes in Washington (article 6 of agreement with said Indians, dated March 18, 1887, ratified by act of July 13, 1892), \$1320;

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), \$6000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, \$1240; in all, \$7240;

In all, for treaty stipulations, not to exceed \$579,540.

For expenses incident to the administration of the restricted or trust property of Indians under the Quapaw Indian Agency, \$15,000, reimbursable to the United States, as provided in the act of February 14, 1920 (Forty-first Statutes at Large, page 415).

For support and civilization of Indians under the jurisdiction of the following agencies, to be paid from the funds held by the United States in trust for the respective tribes, in not to exceed the following sums, respectively:

Arizona: Colorado River, \$4500; Fort Apache, \$125,000; Fort Mojave, \$1000; Kaibab, \$2000; Pima, \$800; Salt River, \$300; San Carlos, \$74,000; Truxton Canyon, \$30,000; in all, \$237,600;

California: Round Valley, \$5000; Tule River, \$200; in all, \$5200;

Colorado: Consolidated Ute (Southern Ute, \$5000; Ute Mountain, \$14,500), \$19,500;

Idaho: Coeur d'Alene, \$16,000; Fort Hall, \$25,000; Fort Lapwai, \$14,000; in all, \$55,000;

Iowa: Sac and Fox, \$1800;

Kansas: Kickapoo, \$1500; Pottawatomie, \$2800; in all, \$4300;

Michigan: Mackinac, \$200;

Minnesota: Consolidated Chippewa, \$1000; Red Lake, \$60,000, payable out of trust funds of Red Lake Indians; in all, \$61,000;

Montana: Blackfeet, \$2000; Flathead, \$40,000; Fort Belknap, \$20,000; Fort Peck, \$10,000; Tongue River, \$15,000; Rocky Boy, \$5000; in all, \$92,000;

Nebraska: Omaha, \$1000;

Nevada: Carson (Fort McDermitt, \$300; Pyramid Lake, \$5000), \$5300; Walker River (Paiute, \$200; Walker River, \$200; Summit Lake, \$200), \$600; Western Shoshone, \$16,000; in all, \$21,900;

New Mexico: Jicarilla, \$80,000; Mescalero, \$55,000; Navajo, \$100,000, to be apportioned among the several Navajo jurisdictions in Arizona and New Mexico; in all, \$235,000;

North Dakota: Fort Berthold, \$5000; Standing Rock, \$59,000; in all, \$64,000;

Oklahoma: Ponca (Otoe, \$1000; Ponca, \$2500; Tonkawa, \$700), \$4200; Sac and Fox, \$3000; Kiowa, Comanche, and Apache, \$50,500; Cheyennes and Arapahoes, \$30,000; in all, \$87,700;

Oregon: Klamath, \$164,000; Umatilla, \$9800; Warm Springs, \$30,000; in all, \$203,800;

South Dakota: Cheyenne River, \$90,000; Pine Ridge, \$500; Lower Brule, \$5000; Rosebud, \$10,000; in all, \$105,500;

Utah: Goshute (Goshute, \$3500; Paiute, \$600; Skull Valley, \$1000), \$5100; Uintah and Ouray, \$15,000: *Provided*, That not to exceed \$500 of this amount may be used to pay part of the expenses of the State Experimental Farm, located near Fort Duchesne, Utah, within the Uintah and Ouray Indian Reservation; in all, \$20,100;

Washington: Colville, \$30,000; Neah Bay, \$5000; Puyallup, \$3000; Spokane, \$19,000; Taholah (Quinalt), \$11,000; Yakima, \$35,000; in all, \$103,000;

Wisconsin: Lac du Flambeau, \$1200; Keshena, \$35,000; in all, \$36,200;

Wyoming: Shoshone, \$80,000;

In all, not to exceed \$1,434,800.

For promoting civilization and self-support among the Chippewa Indians in the State of Minnesota, \$150,000, to be paid from the principal sum on deposit to the credit of said Indians, arising under Section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be used exclusively for the purposes following: Not exceeding \$47,000 of this amount may be expended for general agency purposes; not exceeding \$10,000 may be expended, under the direction of the Secretary of the Interior, in aiding in the construction, equipment, and maintenance of additional public schools in connection with and under the control of the public-school system of the State of Minnesota, said additional school buildings to be located at places contiguous to Indian children who are now without proper public-school facilities; not exceeding \$15,000 may be expended in aiding indigent Chippewa Indians upon the condition that any funds used in support of a member of the tribe shall be reimbursed out of and become a lien against any individual property of which such member may now or hereafter become seized or possessed, and the Secretary of the Interior shall annually transmit to Congress at the commencement of each regular session a complete and detailed statement of such expenditures, the two preceding requirements not to apply to any old, infirm, or indigent Indian, in the discretion of the Secretary of the Interior; not exceeding \$78,000 may be expended for the support of the Indian hospitals.

For the expenses of per capita payments to the enrolled members of the Choctaw and Chickasaw Tribes of Indians, \$5000, to be paid from the funds held by the United States in trust for said Indians.

For the current fiscal year, money may be expended from the tribal funds of the Choctaw, Chickasaw, Creek, and Seminole Tribes for equalization of allotments, per capita, and other payments authorized by law to individual members of the respective tribes, salaries and contingent expenses of the governor of the Chickasaw Nation and chief of the Choctaw Nation and one mining trustee for the Choctaw and Chickasaw Nations at salaries at the rate heretofore paid for the said governor and said chief and \$2000 for the said mining trustee, and the chief of the Creek Nation at a salary not to exceed \$600 per annum, and one attorney each for the Choctaw and Chickasaw Tribes employed under contract approved by the President under existing law: *Provided further*, That the expenses of any of the above-named officials shall not exceed \$2500 per annum each for chiefs and governor except in the case of tribal attorneys whose expenses shall be determined and limited by the Commissioner of Indian Affairs, not to exceed \$4000 each.

For the support of the Osage Agency, including repairs to buildings, and pay of tribal officers, the tribal attorney and his stenographer, and employees of said agency, \$165,000, to be paid from the funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

For necessary expenses in connection with oil and gas production on the Osage Reservation, including salaries of employees, rent of quarters for employees, traveling expenses, printing, telegraphing and telephoning, and purchase, repair, and operation of automobiles, \$72,000, to be paid from the funds held by the United States in trust for the Osage Tribe of Indians in Oklahoma.

For expenses incurred in connection with visits to Washington, District of Columbia, by the Osage Tribal Council and other members of said tribe, when duly authorized or approved by the Secretary of the Interior, \$10,000, to be paid from the funds held by the United States in trust for the Osage Tribe.

The sum of \$125,000 is hereby appropriated out of the principal funds to the credit of the Confederated Bands of Ute Indians, the sum of \$70,000 of said amount for the benefit of the Ute Mountain (formerly Navajo Springs) Band of said Indians in Colorado, and the sum of \$25,000 of said amount for the Uintah, White River, and Uncompahgre Bands of Ute Indians in Utah, and the sum of \$30,000 of said amount for the Southern Ute Indians in Colorado, which sums shall be charged to said bands, and the Secretary of the Interior is also authorized to withdraw from the Treasury the accrued interest to and including June 30, 1927, on the funds of the said Confederated Bands of Ute Indians appropriated under the act of March 4, 1913 (Thirty-seventh Statutes at Large, page 934), and to expend or distribute the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe: *Provided*, That the Secretary of the Interior shall report to Congress, on the first Monday in December, 1928, a detailed statement as to all moneys expended as provided for herein: *Provided further*, That none of the funds in this paragraph shall be expended on road construction unless, wherever practicable, preference shall be given to Indians in the employment of labor on all roads constructed from the sums herein appropriated from the funds of the Confederated Bands of Utes.

#### ROADS AND BRIDGES

For the construction and repair of roads and bridges on the Red Lake Indian Reservation, including the purchase of material, equipment, and supplies, and the employment of labor, \$9000, to be paid from the funds held by the United States in trust for the Red Lake Band of Chippewa Indians in the State of Minnesota: *Provided*, That Indian labor shall be employed as far as practicable.

#### ANNUITIES AND PER CAPITA PAYMENTS

For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), \$6000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), \$500.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), \$3000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for support of blacksmith (article 6, treaty of October 18,

1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$600; for permanent annuity for education, (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$6000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), \$320; in all, \$10,520.

To carry out the provisions of the Chippewa treaty of September 30, 1854 (Tenth Statutes at Large, page 1109), \$10,000, in part settlement of the amount, \$141,000, found due and heretofore approved for the Saint Croix Chippewa Indians of Wisconsin, whose names appear on the final roll prepared by the Secretary of the Interior pursuant to act of August 1, 1914 (Thirty-eighth Statutes at Large, pages 582 to 605), and contained in House Document Numbered 1663, said sum of \$10,000 to be expended in the purchase of land or for the benefit of said Indians by the Commissioner of Indian Affairs: *Provided*, That, in the discretion of the Commissioner of Indian Affairs, the per capita share of any of said Indians under this appropriation may be paid in cash.

\* \* \* \*

SEC. 2. Appropriations herein made for field work under the General Land Office, the Bureau of Indian Affairs, the Bureau of Reclamation, the Geological Survey, and the National Park Service shall be available for the hire, with or without personal services, of work animals and animal-drawn and motor-propelled vehicles and equipment. (January 12, 1927, 44 Stat. L., 938-956, 971.)

#### MISCELLANEOUS.

[329. *Citizenship.*] That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. (June 2, 1924, 43 Stat. L., 253.)

[330. *Quarantining of Indians.*] . . . That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate, or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation, or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision. (August 1, 1914, 38 Stat. L., 584.)

[331. *Legalising deeds.*] That the recording of all deeds and papers heretofore made and done in the office of the Commissioner of Indian Affairs, be, and, is hereby confirmed, approved, and legalized; and said record heretofore made shall be deemed, taken, and held to be good and valid and shall have all the force and effect and be entitled to the same credit as if it had been made in pursuance of and in conformity to law. But shall have no effect whatever upon the validity or invalidity of the deed or paper so recorded, and shall be no evidence of constructive notice to any persons not actually knowing the contents. (July 26, 1892, 27 Stat. L., 272.)

[332. *Record of Indian deeds requiring approval.*] SEC. 2. That the Commissioner of Indian Affairs is hereby empowered and directed to continue to

make and keep a record of every deed executed by any Indian, his heirs, representatives, or assigns, which may require the approval of the President of the United States or of the Secretary of the Interior, whenever such approval shall have been given, and the deed so approved returned to said office. (July 26, 1892, 27 Stat. L., 273.)

[333. *Seal for Indian office; certified copies of records.*] SEC. 3. That the Commissioner of Indian Affairs shall cause a seal to be made and provided for the said office, with such device as the President of the United States shall approve, and copies of any public documents, records, books, maps, or papers belonging to or on the files of said office, authenticated by the seal and certified by the commissioner thereof, or by such officer as may, for the time being, be acting as or for such commissioner, shall be evidence equally with the originals thereof.

SEC. 4. That the Commissioner of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of ten cents per hundred words, and one dollar for copies of maps or plats, and the additional sum of twenty-five cents for the commissioner's certificate of verification, with the seal of said office; and one of the employees of said office shall be designated by the commissioner as the receiving clerk, who shall give bond in the sum of one thousand dollars, and the amounts so received shall, under the direction of the commissioner, be paid into the Treasury of the United States; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the commissioner by satisfactory legal evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the commissioner in his discretion may deem proper to furnish. (July 26, 1892, 27 Stat. L., 273.)

[334. *Printing for Indian Department.*] That the provisions of section 3786<sup>a</sup> of the Revised Statutes of the United States shall not hereafter apply to such work of the Indian Department as can be executed at the several Indian schools. (March 1, 1907, 34 Stat. L., 1018.)

[335. *Sale of cattle or horses by agents.*] SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any cattle, horses, or other live stock belonging

<sup>a</sup> Section 3786 of the Revised Statutes provided that all printing for executive departments should be done at the Government Printing Office; it was superseded by Sec. 87 of the act of January 12, 1895 (28 Stat. L., 622). SEC. 11 of the act of March 1, 1919 (40 Stat. L., 1270), provides in part as follows: "That on and after July 1, 1919, all printing, binding, and blankbook work for Congress, the Executive Office, the judiciary, and every executive department, independent office, and establishment of the Government, shall be done at the Government Printing Office, except such classes of work as shall be deemed by the Joint Committee on Printing to be urgent or necessary to have done elsewhere than in the District of Columbia for the exclusive use of any field service outside of said District."



to the Indians, and not required for their use and subsistence, as shall be established by the Secretary of War; such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops. (Rev. Stat.—March 3, 1865, 13 Stat. L., 563.)

[336. *Pensions.*] \* SEC. 4705. The widows of colored men and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence than satisfactory proof that the parties were joined in ceremony deemed by them obligatory, or habitually recognized as man and wife, and were so recognized by their neighbors, as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the child born of any marriage so proved shall be deemed and held to be lawful child of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, 1873, one thousand eight hundred and seventy-three. (Rev. Stat.—March 3, 1873, 17 Stat. L., 570.)

[337. *Indian scouts.*] SEC. 2. The Regular Army of the United States shall consist of . . . ; the Indian scouts; . . . (June 3, 1916, 39 Stat. L., 166.)

[338.] SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander. (Rev. Stat.—July 28, 1866, 14 Stat. L., 333.)

[339.] That so much of the Army appropriation act of July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force: Provided, That a proportionate number of non-commissioned officers may be appointed. And the scouts, when they furnish their own horse and horse equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed. (August 12, 1876, 19 Stat. L., 131.)

[340.] SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers. (Rev. Stat.—July 28, 1866, 14 Stat. L., 333.)

\* Indians are not specifically mentioned in the general pension laws, but they are entitled to pensions after submitting the usual proof.

† Section 1094, Revised Statutes, provided for the organization of the Army, including not exceeding one thousand Indian scouts.

# APPENDIX 6

## FINANCIAL STATEMENTS

### EXPLANATORY NOTE

Statements showing appropriations, expenditures, and other financial data for a period of time, the most effective single means of exhibiting the development of the fact that there is no uniform system of appropriations for the several services. At the latter end of the year, a uniform plan in respect to the recording and reporting of receipts and expenditures, it is impossible to present a character according to any standard scheme of presentation. In some cases of some services the administrative reports showing financial conditions and operations of the services in considerable detail; in others financial data are almost entirely wanting. Careful study has in all cases been made of such reports, and the effort has been made to present them in such a form as will exhibit the financial operations of the several services in the most effective way that circumstances permit.

Appropriations for the Indian Service fall under the following general classes:

- . Treaty stipulations
- . Gratuities
- . Tribal funds
- . Reimbursable
- . Indefinite appropriation of reservation receipts

Appropriations to fulfill treaty stipulations are for the payment of salaries, for goods, the employment of persons, or the maintenance of the service in accordance with the provisions of treaties. In the case of the Service they were large, but they are relatively

Gratuities—*Continued*

Other purposes

Total

## Reimbursable

Support and civilization

Education

Irrigation and water supply

Other purposes

Total

## Tribal Funds

Support and civilization

Education

Irrigation and water supply

Other purposes

Total

Grand Total

Account has been taken of each  
omitted for any state it is because  
ticular state. There have been added  
items, which appear to be too im-  
"purposes" class. A summary is also  
each state by purposes of expen-  
opriation, unless the items are so im-  
cessary. With the exception of the  
and transportation of supplies, I  
count of deficiency appropriation.  
le if the appropriation is exhausted  
eyond the period during which  
ese are generally small, but in the case of the appropriation  
l, they were so large that they could not be disregarded.  
d be borne in mind that the statement showing appropri-  
tes in Table 3 does not indicate the total amount available  
te, as in the fiscal year 1928 over five million dollars is  
ie general appropriations, which are used in the several  
discretion of the Commissioner. A general appropria-  
f of distress provides maximum amounts which may  
articular hospitals in which case such amounts have  
der the tabulation by states. The general appropria-  
tion contains some items for several states; these  
d under the classification "General appropriations,"  
dication regarding the amount for each state. The  
om tribal funds take account of only those specifi-

cally authorized by Congress. The amount authorized to be spent is in excess of that shown in the table, as under general authority the reservation receipts may be used, but no separate figures on these expenditures are available.

Per capita payments to Indians are not included, except in so far as the annuity payments may be distributed per capita.

The classification by purposes of expenditure is based on the language of the appropriation, and there may be some overlapping between the classes. "Annuities" may often be used in the discretion of the President for any purpose beneficial to the Indians; in other cases they are paid per capita in goods or money. Appropriations for "support and civilization" may at times be used for "education"; employees are also paid from these two appropriations, but "pay of employees" has been made a separate class under treaty stipulations, as this term is used in the appropriation, and it is at times impossible to determine how it should be distributed. Irrigation and water supply have been combined, as it is at times difficult to determine whether the money is for irrigation or domestic supply, although in some cases it is evidently used for both; however, the greater part of the money provided under this head is for irrigation purposes. This heading, however, does not take account of water supply plants for school and agency buildings; if these were constructed for school buildings they would be included under education; if for agency buildings, under purposes. No differentiation is made between appropriations for operation and maintenance and those for plant and equipment and

**Summary of Appropriations, by Classes and Purposes.** This table gives a summary of appropriations by classes and purposes. It is not an appropriation under each class. For the fiscal years 1903 to 1913 the total amount appropriated was approximately the same. It is not, however, material differences in the classes, the amount covered changes from 1903 to 1913 being decreases of \$2,000,000 in treaty stipulation and of \$400,000 in local gratuities, and of \$1,400,000 under general gratuities and \$1,000,000 in bursables.

From 1913 to 1923 and 1928 the total amount increased over \$4,000,000, or 40 per cent, distributed

class except treaty stipulations, which was practically stationary. The largest increase was in the use of tribal funds which showed a gain of almost \$2,000,000, or approximately half the increase; the amount in 1923 and 1928 being about five times that appropriated for the fiscal year 1913. Other increases were approximately as follows: General gratuity appropriations, \$1,000,000, due largely to the increased compensation paid to employees; local gratuities, \$600,000, and reimbursables, \$700,000.

Tribal funds, or the money of the Indians, were used for 3 per cent of the appropriations in the fiscal year 1903, for 5 per cent in the fiscal year 1913, for 18 per cent in the fiscal year 1923, and for 15 per cent in the fiscal year 1928.

TABLE I

SUMMARY OF ANNUAL APPROPRIATIONS, BY CLASSES OF APPROPRIATION AND PURPOSES OF EXPENDITURE

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Treaty stipulations—Local appropriations				
Annuities .....	\$187,617.51	\$44,100.00	\$44,100.00	\$44,100.00
Pay of employees .....	176,248.99	151,220.00	155,220.00	216,266.00
Support and civilization ..	1,290,162.47	466,000.00	375,260.00	319,654.00
Education .....	261,958.72	221,200.00	321,000.00	322,000.00
Commutation of annuity ..	999,368.00	.....	.....	.....
Acquisition of land .....	.....	66,000.00	10,000.00	10,000.00
Other purposes .....	1,510.00	1,040.00	1,040.00	1,040.00
Total .....	\$2,916,865.69	\$949,560.00	\$906,620.00	\$913,060.00
General appropriations				
On education and water sup-	\$1,538,500.00	\$1,502,000.00	\$1,760,000.00	\$2,744,700.00
Other purposes .....	150,000.00	335,700.00	b	b
	886,360.00	2,090,694.86	3,080,650.00	2,885,500.00
Total .....	\$2,574,860.00	\$3,928,394.86	\$4,840,650.00	\$5,630,200.00
General appropriations				
On education and civilization..	\$895,000.00	\$684,846.00	\$643,200.00	.....
.....	1,971,220.00	2,030,355.00	2,375,875.00	3,380,000.00
.....	25,000.00	45,000.00	358,500.00	643,500.00
.....				
..... of Commission				
..... in connection with				
..... of the Five				
.....	310,000.00	215,000.00	230,000.00	.....
..... of water sup-				
.....	.....	65,000.00	29,000.00	28,500.00
.....	325,725.00	100,640.00	20,500.00	54,300.00
.....				
Total .....	\$3,526,945.00	\$3,140,841.00	\$3,657,075.00	\$4,106,300.00

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TABLE 1  
SUMMARY OF ANNUAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Reimbursable				
General appropriations				
Irrigation and water supply .....	"	"	\$74,250.00	\$80,850.00
Other purposes .....	.....	\$270,000.00	258,000.00	479,500.00
Total .....	.....	\$270,000.00	\$332,250.00	\$560,350.00
Local appropriations				
Support and civilization..	\$240,000.00	\$100,000.00	\$3,800.00	.....
Irrigation and water supply .....	.....	732,362.62	1,506,657.00	\$1,611,275.00
Attorneys' fees .....	43,332.93	.....	.....	.....
Other purposes .....	.....	134,500.00	71,471.25	18,500.00
Total .....	\$283,332.93	\$966,862.62	\$1,581,928.25	\$1,629,775.00
Tribal funds—Local appropriations				
Support and civilization..	\$2,856.11	\$440,000.00	\$1,908,770.00	\$1,809,800.00
Education .....	.....	.....	117,570.00	49,000.00
Hospitals .....	.....	40,000.00	17,500.00	.....
Irrigation and water supply .....	150,000.00	.....	278,100.00	16,000.00
Purchase of cattle, etc....	143,335.10	.....	.....	.....
Agency expenses—Osage .	.....	.....	165,000.00	247,000.00
Other purposes .....	20,000.00	51,500.00	25,632.92	30,000.00
Total .....	\$316,191.21	\$531,500.00	\$2,512,572.92	\$2,151,800.00
Grand total .....	\$9,618,194.83	\$9,787,158.48	\$13,831,096.17	\$14,991,485.00

<sup>a</sup> General appropriation for school buildings carried with that for agency building and included under other purposes.

<sup>b</sup> Under reimbursable.

<sup>c</sup> Under gratuity.

In addition to the annual appropriations certain tribal funds and reservation receipts are available for expenditure under permanent indefinite appropriations. Some of this money is spent for general purposes and some for per capita payments to Indians. It is not possible to segregate this by purposes. The estimated expenditure from these funds in the fiscal year 1928, in addition to that covered by an annual appropriations, is as follows:

## For general purposes

From various funds carried under the title		
"Interest on Indian Trust Funds"....	\$246,200.00	
From the principal of various Indian trust funds .....	867,800.00	
From miscellaneous reservation receipts, carried under the title "Indian moneys, proceeds of labor".....	602,500.00	
		\$1,716,500.00

## For per capita payments

From various funds carried under title		
"Interest on Indian Trust Funds"....	\$459,500.00	
From principal of various Indian trust funds .....	14,858,000.00	
		15,317,500.00

Total ..... \$17,032,000.00

**Summary of Appropriations, by Purposes.** A summary of appropriations by purposes of expenditure, regardless of the character of the appropriation, is given in Table 2. The item "other purposes" in this table includes the general appropriations which

TABLE 2  
SUMMARY OF APPROPRIATIONS BY PURPOSES OF EXPENDITURE

Purposes	Fiscal years			
	1903	1913	1923	1928
Annuities .....	\$187,517.51	\$44,100.00	\$44,100.00	\$44,100.00
Pay of employees.....	176,248.99	151,220.00	155,220.00	210,266.00
Education .....	3,771,678.72	3,753,555.00	4,574,445.00	6,495,700.00
Commutation of annuity....	999,368.00	.....	.....	.....
Irrigation and water supply..	300,000.00	1,133,062.62	1,888,007.00	1,736,625.00
Hospitals .....	25,000.00	85,000.00	376,000.00	643,500.00
Expenses in connection with affairs of Five Tribes and Osage .....	310,000.00	215,000.00	395,000.00	247,000.00
Attorneys' fees .....	43,332.93	.....	.....	.....
Support and civilization ....	2,428,018.58	1,690,846.00	2,931,030.00	2,129,454.00
Other purposes .....	1,376,930.10	2,714,374.86	3,467,294.17	3,478,840.00
Total .....	\$9,618,194.83	\$9,787,158.48	\$13,831,096.17	\$14,991,485.00

not fall under the other classes; this item might properly be bined with "support and civilization," as most of the appropriations included under this head are for the advancement of the

1. These two items combined show a gain of approximately 00 from 1903 to 1913, and of \$2,000,000 from 1913 to 1923, decrease of approximately \$800,000 from 1913 to 1923.

Irrigation increased \$800,000 from 1903 to 1913 and \$700,000 from 1913 to 1923; it decreased about \$100,000 from 1923 to 1928. Education increased \$800,000 from 1913 to 1923 and \$1,900,000 from 1923 to 1928. Hospitals increased approximately \$300,000 from 1913 to 1923 and about the same from 1923 to 1928.

Table 2 does not include the permanent appropriations listed on page 516.

#### **General and Local Appropriations, by Classes and Purposes.**

In Table 3 are shown the general and local appropriations by classes and purposes for the fiscal years 1903, 1913, 1923, and 1928, but this table does not show the permanent indefinite appropriations listed on page 516, as the reports do not segregate these items by purposes or locality. The general appropriations rose from \$2,574,860 in the fiscal year 1903 to \$4,198,394 in the fiscal year 1913, to \$5,172,900 in the fiscal year 1923, and to \$6,190,550 in the fiscal year 1928. The local appropriations dropped from \$7,043,334 in the fiscal year 1903 to \$5,588,674 in the fiscal year 1913, but rose to \$8,658,146 in the fiscal year 1923, with a further rise to \$8,900,935 in the fiscal year 1928. Thus, from 1903 to 1913 the general appropriations increased about \$1,500,000, while the local appropriations showed a decrease of approximately the same amount. From 1913 to 1923 there was an increase of approximately \$1,000,000 in the general appropriations and of about \$3,000,000 in the local appropriations. From 1923 to 1928 the general appropriations increased approximately \$1,000,000 and the local appropriations rose about \$250,000. In the fiscal year 1928 the amounts of the local appropriations ranged as follows: Over \$1,000,000, Arizona, Oklahoma, and South Dakota; between \$900,000 and \$1,000,000, New Mexico; between \$400,000 and \$500,000, Oregon; between \$300,000 and \$400,000, California, Montana, and Washington; between \$200,000 and \$300,000, Kansas, Minnesota, and North Carolina; between \$100,000 and \$200,000, Colorado, Idaho, Michigan, Nebraska, Nevada, North Carolina, Utah, Wisconsin, and Wyoming; less than \$100,000, Iowa, Mississippi, and New York.

The appropriations for Pennsylvania in 1903 and 1913, Virginia in 1903 were for the education of students from western states, and not for local Indians.



TABLE 3

## GENERAL AND LOCAL APPROPRIATIONS, BY CLASSES AND PURPOSES

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
General appropriations				
Gratuity				
Salaries, Bureau of Indian Affairs .....	\$140,520.00	\$231,710.00	\$306,150.00	\$356,000.00
Increase of compensation, Indian Service .....	.....	.....	1,061,200.00	.....
Classification of files .....	.....	5,000.00	.....	.....
Compilation of laws .....	3,000.00	.....	.....	.....
Inspectors .....	20,000.00	.....	24,000.00	16,000.00
Traveling expenses of inspectors .....	12,800.00	.....	.....	.....
General expenses .....	45,000.00	125,000.00	115,000.00	.....
Expenses of Board of Indian Commissioners ..	4,000.00	4,000.00	9,500.00	11,000.00
Support of schools .....	1,240,000.00	1,420,000.00	1,675,000.00	2,429,700.00
Pay superintendent of schools .....	3,000.00	.....	.....	.....
Traveling expenses of superintendent of schools .....	1,500.00	.....	.....	.....
School transportation ....	44,000.00	82,000.00	85,000.00	90,000.00
School buildings .....	250,000.00	.....	.....	225,000.00
School and agency buildings .....	.....	480,000.00	350,000.00	.....
Agency buildings .....	31,500.00	.....	.....	150,000.00
Relief of distress and prevention of diseases .....	.....	90,000.00	<sup>a</sup> 31,500.00	<sup>a</sup> 344,500.00
Emergency relief of destitution .....	.....	.....	100,000.00	.....
Sanitary investigations ..	.....	10,000.00	.....	.....
Pure vaccine matter and vaccination .....	5,000.00	.....	.....	.....
Suppressing liquor traffic .....	.....	75,000.00	30,000.00	22,000.00
Transporting supplies ....	225,000.00	.....	.....	.....
Telegraphing and purchase of supplies .....	65,000.00	.....	.....	.....
Warehouse, Omaha .....	10,000.00	.....	.....	.....
Warehouse, St. Louis .....	10,000.00	.....	.....	.....
Purchase and transportation of supplies .....	.....	447,784.86	490,000.00	550,000.00
Telegraphing and telephoning .....	.....	9,000.00	6,800.00	.....
Traveling expenses, telegraphing and telephoning .....	.....	/	.....	16,000.00
Surveying and allotting ..	72,000.00	.....	.....	.....
Irrigation .....	<sup>b</sup> 150,000.00	<sup>b</sup> 335,700.00	.....	.....
Suppressing contagious diseases among live stock .....	.....	.....	15,000.00	30,000.00
Employment of practical farmers .....	75,000.00	.....	.....	.....
Employment of matrons ..	15,000.00	.....	.....	.....
Industrial work and care of timber .....	.....	400,000.00	375,000.00	315,000.00
Support and civilization ..	.....	.....	.....	900,000.00

The total appropriation is greater but the act provided limited sums for the construction and maintenance of enumerated hospitals, a specific limitation being placed on expenditure for each of these hospitals. These sums are carried under the items listed. The sums allowed for specific hospitals form a limitation and not a specific allocation.

tuity when appropriated, but made reimbursable by act of August 1, 1914 (38 Stat. 133); appropriations for 1923 and 1928 are under reimbursable.

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<b>General appropriations—Contd.</b>				
<i>Gratuity—Continued</i>				
Pay of interpreters.....	\$5,000.00	\$1,200.00	.....	.....
Pay of Indian Police....	135,000.00	200,000.00	\$140,000.00	\$160,000.00
Pay of Judges, Indian				
Police .....	12,540.00	10,000.00	6,500.00	15,000.00
Court costs, suits re-				
allotted lands .....	.....	2,000.00	.....	.....
Total .....	\$2,574,860.00	\$3,928,394.86	\$4,840,650.00	\$5,630,200.00
<b>Reimbursable</b>				
Surveying and allotting..	"	\$250,000.00	\$58,000.00	\$40,000.00
Irrigation .....	"		74,250.00	75,850.00
Determining heirs <sup>a</sup> .....	.....	.....	100,000.00	64,000.00
Encouraging industry <sup>b</sup> ..	.....	.....	80,000.00	175,000.00
Water supply for stock..	.....	.....	10,000.00	5,000.00
Advertising sale of lands.	.....	.....	5,000.00	500.00
Opening Indian reserva-				
tions .....	.....	20,000.00	5,000.00	.....
Sale of timber .....	.....	.....	.....	200,000.00
Total .....	.....	\$270,000.00	\$332,250.00	\$560,350.00
<b>Local appropriations, by</b>				
<b>States</b>				
<b>Arizona</b>				
Treaty stipulations—Edu-				
cation .....	.....	.....	\$100,000.00	\$50,000.00
Total .....	.....	.....	\$100,000.00	\$50,000.00
<b>Gratuities</b>				
Support and civilization	\$270,000.00	\$330,000.00	\$185,000.00	.....
Education .....	233,450.00	180,000.00	248,000.00	\$480,625.00
Irrigation and water				
supply .....	.....	45,000.00	19,000.00	18,000.00
Hospitals .....	.....	.....	78,000.00	132,500.00
Other purposes .....	156,100.00	127,000.00	.....	.....
Total .....	\$559,550.00	\$591,000.00	\$530,000.00	\$640,125.00
<b>Reimbursable</b>				
Irrigation and water				
supply .....	.....	\$65,000.00	\$330,000.00	\$937,800.00
Bridges .....	.....	.....	17,471.25	.....
Total .....	.....	\$65,000.00	\$356,471.25	\$937,800.00
<b>Tribal funds</b> .....				
Support and civilization	.....	.....	\$191,300.00	\$237,600.00
Irrigation and water				
supply .....	.....	.....	20,500.00	10,000.00
Total .....	.....	.....	\$211,800.00	\$247,600.00
<b>Grand total</b> .....	\$559,550.00	\$656,000.00	\$1,198,271.25	\$1,875,525.00

<sup>a</sup> See under Gratuity appropriations.

<sup>b</sup> Not strictly a reimbursable appropriation, although it is so named; the law provides for the collection of certain fees and not necessarily for the reimbursement of the entire amount; the total collected may be more or less. The fees are paid by individuals and not by the tribe.

<sup>c</sup> Reimbursements are made mostly by individuals.

<sup>d</sup> \$225,000 of this amount for Apaches in Arizona and New Mexico.

<sup>e</sup> This amount is for both Arizona and New Mexico.

<sup>f</sup> Appropriations for education for fiscal year 1924 to the amount of \$170,300 were also available for expenditure in the fiscal year 1923.

<sup>g</sup> Includes \$48,000 for purchase of improvements of settlers on Navajo Reservation.

<sup>h</sup> Includes \$25,000 for Dike, Fort Mojave Reservation.

<sup>i</sup> Includes \$150,000 reappropriated; includes also \$35,000 to be expended partly for New Mexico.

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations—Contd.				
Arizona—Continued				
Summary by purposes				
Support and civilization	\$270,000.00	\$330,000.00	\$376,300.00	\$237,600.00
Education .....	233,450.00	189,000.00	348,000.00	339,625.00
Irrigation and water supply .....		110,000.00	378,500.00	965,800.00
Hospitals .....			78,000.00	132,500.00
Other purposes .....	56,100.00	27,000.00	17,421.25	
Total .....	\$559,550.00	\$656,000.00	\$1,198,221.25	\$1,875,525.00
California				
Gratuities				
Support and civilization	\$101,500.00	\$57,000.00	\$42,000.00	
Education .....	114,900.00	104,350.00	220,000.00	\$277,000.00
Purchase of land .....			8,000.00	7,000.00
Hospitals .....			10,000.00	12,000.00
Other purposes .....	24,650.00			
Total .....	\$241,050.00	\$161,350.00	\$280,000.00	\$296,000.00
Reimbursable				
Irrigation and water supply .....		\$52,362.62	\$90,457.00	\$23,000.00
Road construction .....			8,000.00	
Total .....		\$52,362.62	\$98,457.00	\$23,000.00
Tribal funds				
Support and civilization			\$11,000.00	\$5,200.00
Grand total .....	\$241,050.00	\$213,712.62	\$390,357.00	\$324,200.00
Summary by purposes				
Support and civilization	\$101,500.00	\$57,000.00	\$53,000.00	\$5,200.00
Education .....	114,900.00	104,350.00	220,000.00	277,000.00
Irrigation and water supply .....		52,362.62	90,457.00	23,000.00
Hospitals .....			10,000.00	12,000.00
Other purposes .....	24,650.00		16,000.00	7,000.00
Total .....	\$241,050.00	\$213,712.62	\$390,357.00	\$324,200.00
Colorado				
Treaty stipulation				
Pay of employees .....	\$23,520.00			
Support and civilization	30,000.00			
Other purposes .....	220.00			
Total .....	\$53,740.00			
Gratuities				
Education .....	\$59,000.00			
Pay of agent and other expenses .....	2,400.00			
Total .....	\$61,400.00			
Reimbursable — Irrigation and water supply .....			\$12,500.00	\$10,000.00
Tribal funds				
Support and civilization			\$9,800.00	\$119,500.00

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations—Contd.				
Colorado—Continued				
Tribal funds—Continued				
Irrigation and water supply .....	\$150,000.00	.....	.....	.....
Total .....	\$150,000.00	.....	\$9,800.00	\$119,500.00
Grand total .....	\$265,140.00	.....	\$21,300.00	\$129,500.00
Summary by purposes...				
Support and civilization	\$30,000.00	.....	\$9,800.00	\$119,500.00
Education .....	59,000.00	.....	.....	.....
Irrigation and water supply .....	150,000.00	.....	11,500.00	10,000.00
Pay of agents, employees and other expenses	26,140.00	.....	.....	.....
Total .....	\$265,140.00	.....	\$21,300.00	\$129,500.00
Florida—Gratuities .....	.....	<sup>1</sup> \$9,846.00	\$7,000.00	.....
Idaho				
Treaty stipulations				
Pay of employees.....	\$8,500.00	\$8,000.00	\$7,500.00	\$11,020.00
Support and civilization	14,000.00	.....	.....	.....
Total .....	\$22,500.00	\$8,000.00	\$7,500.00	\$11,020.00
Gratuities				
Support and civilization	\$33,000.00	\$30,000.00	\$25,000.00	.....
Irrigation and water supply .....	.....	20,000.00	.....	.....
Hospitals .....	.....	.....	40,000.00	\$70,000.00
Other purposes .....	4,000.00	2,700.00	.....	.....
Total .....	\$37,000.00	\$52,700.00	\$65,000.00	\$70,000.00
Reimbursable — Irrigation and water supply....	.....	.....	\$350,000.00	\$40,000.00
Tribal funds — Support and civilization .....	.....	.....	\$43,000.00	\$65,000.00
Grand total .....	\$59,500.00	\$60,700.00	\$465,500.00	\$176,020.00
Summary by purposes				
Pay of employees.....	\$8,500.00	\$8,000.00	\$7,500.00	\$11,020.00
Support and civilization	47,000.00	30,000.00	68,000.00	55,000.00
Irrigation and water supply .....	.....	20,000.00	350,000.00	40,000.00
Hospitals .....	.....	.....	40,000.00	70,000.00
Other purposes .....	4,000.00	2,700.00	.....	.....
Total .....	\$59,500.00	\$60,700.00	\$465,500.00	\$176,020.00
Iowa				
Treaty stipulations — Annuities .....	\$51,000.00	.....	.....	.....
Gratuities				
Education .....	\$13,825.00	.....	.....	.....
Hospitals .....	.....	.....	\$40,000.00	\$50,000.00
Other purposes .....	1,000.00	\$1,080.00	.....	.....
Total .....	\$14,825.00	\$1,080.00	\$40,000.00	\$50,000.00

<sup>1</sup> Unexpended balance reappropriated.

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations— <i>Contd.</i>				
Iowa— <i>Continued</i>				
Tribal funds—Support and civilization .....	.....	.....	\$1,800.00	\$1,800.00
Grand total .....	\$65,825.00	\$1,080.00	\$41,800.00	\$51,800.00
Summary by purposes				
Support and civilization .....	.....	.....	\$1,800.00	\$1,800.00
Annuities .....	\$51,000.00	.....	.....	.....
Education .....	13,825.00	.....	.....	.....
Hospital .....	.....	.....	40,000.00	50,000.00
Other purposes .....	1,000.00	\$1,080.00	.....	.....
Total .....	\$65,825.00	\$1,080.00	\$41,800.00	\$51,800.00
Kansas				
Treaty stipulations				
Annuities .....	\$19,482.12	.....	.....	.....
Pay of employees.....	1,008.99	.....	.....	.....
Education .....	3,327.72	\$200.00	.....	.....
Other purposes .....	50.00	.....	.....	.....
Total .....	\$23,868.83	\$200.00	.....	.....
Gratuities				
Education .....	\$196,780.00	\$156,610.00	\$184,000.00	\$228,250.00
Other purposes .....	4,500.00	.....	.....	.....
Total .....	\$201,280.00	\$156,610.00	\$184,000.00	\$228,250.00
Tribal funds				
Support and civilization .....	.....	.....	\$3,300.00	\$4,300.00
Other purposes .....	.....	\$500.00	.....	.....
Total .....	.....	\$500.00	\$3,300.00	\$4,300.00
Grand total .....	\$225,148.83	\$157,310.00	\$187,300.00	\$232,550.00
Summary by purposes				
Annuities .....	\$19,482.12	.....	.....	.....
Pay of employees.....	1,008.99	.....	.....	.....
Support and civilization .....	.....	.....	\$3,300.00	\$4,300.00
Education .....	200,107.72	\$156,810.00	184,000.00	228,250.00
Other purposes .....	4,550.00	500.00	.....	.....
Total .....	\$225,148.83	\$157,310.00	\$187,300.00	\$232,550.00
Michigan				
Gratuities				
Education .....	\$61,800.00	\$61,275.00	\$88,000.00	<sup>m</sup> \$116,375.00
Other purposes .....	.....	2,000.00	.....	.....
Total .....	\$61,800.00	\$63,275.00	\$88,000.00	\$116,375.00
Tribal funds—Support and civilization .....	.....	.....	\$100.00	\$200.00
Grand total .....	\$61,800.00	\$63,275.00	\$88,100.00	\$116,575.00
Minnesota				
Treaty stipulations				
Annuities .....	\$1,000.00	.....	.....	.....

<sup>1</sup> Including \$20,000 reappropriated.

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations— <i>Contd.</i>				
Minnesota— <i>Continued</i>				
Treaty stipulations— <i>Contd.</i>				
Education .....	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
Total .....	\$5,000.00	\$4,000.00	\$4,000.00	\$4,000.00
Gratuities				
Education .....	\$73,150.00	\$46,175.00	\$51,000.00	\$77,500.00
Payments for improve- ments, Mille Lac Re- servation .....	40,000.00	.....	.....	.....
Other purposes .....	8,100.00	700.00	.....	.....
Total .....	\$121,250.00	\$46,875.00	\$51,000.00	\$77,500.00
Reimbursable — Support and civilization .....	\$240,000.00	.....	.....	.....
Tribal funds				
Support and civilization	\$2,856.11	\$165,000.00	\$88,900.00	\$211,000.00
Education .....	.....	.....	66,570.00	35,000.00
Hospital .....	.....	.....	17,500.00	.....
Roads and bridges.....	.....	.....	9,000.00	9,000.00
Other purposes .....	.....	1,000.00	.....	10,000.00
Total .....	\$2,856.11	\$166,000.00	\$181,970.00	\$265,000.00
Grand total .....	\$369,106.11	\$216,875.00	\$236,970.00	\$346,500.00
Summary by purposes				
Annuities .....	\$1,000.00	.....	.....	.....
Support and civilization	242,856.11	\$165,000.00	\$88,900.00	\$211,000.00
Education .....	77,150.00	50,175.00	121,570.00	116,500.00
Payments for improve- ments, Mille Lac Re- servation .....	40,000.00	.....	.....	.....
Hospital .....	.....	.....	17,500.00	.....
Roads and bridges.....	.....	.....	9,000.00	9,000.00
Other purposes .....	8,100.00	1,700.00	.....	10,000.00
Total .....	\$369,106.11	\$216,875.00	\$236,970.00	\$346,500.00
Mississippi				
Gratuities				
Relief of distress.....	.....	.....	\$9,500.00	.....
Education .....	.....	.....	22,500.00	.....
Hospital .....	.....	.....	.....	\$12,000.00
Total .....	.....	.....	\$32,000.00	\$12,000.00
Reimbursable				
Encouraging industry ..	.....	.....	\$8,000.00	.....
Purchase of land.....	.....	.....	4,000.00	\$3,500.00
Total .....	.....	.....	\$12,000.00	\$3,500.00
Grand total .....	.....	.....	\$44,000.00	\$15,500.00
Montana				
Treaty stipulations				
Pay of employees.....	\$9,000.00	\$6,000.00	\$4,500.00	\$6,380.00
Support and civilization	270,000.00	85,000.00	75,000.00	80,000.00
Total .....	\$279,000.00	\$91,000.00	\$79,500.00	\$86,380.00
Gratuities				
Support and civilization	\$77,000.00	\$64,000.00	\$122,500.00	.....
Cattle and fencing.....	.....	35,150.00	.....	.....

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations— <i>Contd.</i>				
Montana— <i>Continued</i>				
Gratuities— <i>Continued</i>				
Hospitals .....	.....	.....	\$12,500.00	\$32,500.00
Surveying .....	.....	\$5,000.00	.....	.....
Pay of agent and general expenses .....	\$18,400.00	.....	.....	.....
Total .....	<u>\$95,400.00</u>	<u>\$104,150.00</u>	<u>\$145,000.00</u>	<u>\$32,500.00</u>
Reimbursable				
Irrigation and water supply .....	.....	\$415,000.00	\$275,500.00	\$233,000.00
Agency building and sawmill .....	.....	60,000.00	.....	.....
Other purposes .....	.....	1,500.00	.....	.....
Total .....	.....	<u>\$476,500.00</u>	<u>\$275,500.00</u>	<u>\$233,000.00</u>
Tribal funds				
Support and civilization	.....	.....	\$260,000.00	\$92,000.00
Irrigation and water supply .....	.....	.....	149,000.00	.....
Other purposes .....	.....	.....	3,632.92	.....
Total .....	.....	.....	<u>\$412,632.92</u>	<u>\$92,000.00</u>
Grand total .....	<u>\$374,400.00</u>	<u>\$671,650.00</u>	<u>\$912,632.92</u>	<u>\$443,880.00</u>
Summary by purposes				
Pay of employees .....	\$9,000.00	\$6,000.00	\$4,500.00	\$6,380.00
Support and civilization	347,000.00	149,000.00	467,500.00	172,000.00
Irrigation and water supply .....	.....	415,000.00	424,500.00	233,000.00
Agency buildings and sawmill .....	.....	60,000.00	.....	.....
Cattle and fencing .....	.....	35,150.00	.....	.....
Hospital .....	.....	.....	12,500.00	34,500.00
Other purposes .....	18,400.00	6,500.00	3,632.92	.....
Total .....	<u>\$374,400.00</u>	<u>\$671,650.00</u>	<u>\$912,632.92</u>	<u>\$443,880.00</u>
Nebraska				
Treaty stipulations—Support and civilization.	\$44,162.47	.....	.....	.....
Gratuities				
Education .....	\$66,800.00	\$68,100.00	\$89,000.00	\$131,500.00
Hospital .....	.....	.....	18,000.00	22,000.00
Other purposes .....	1,600.00	.....	.....	.....
Total .....	<u>\$68,400.00</u>	<u>\$68,100.00</u>	<u>\$107,000.00</u>	<u>\$153,500.00</u>
Reimbursable — Sale of lands .....	.....	\$3,000.00	.....	.....
Tribal funds				
Support and civilization	.....	.....	\$11,000.00	\$1,000.00
Bridges .....	\$10,000.00	.....	.....	.....
Total .....	<u>\$10,000.00</u>	.....	<u>\$11,000.00</u>	<u>\$1,000.00</u>
Grand total .....	<u>\$122,562.47</u>	<u>\$71,100.00</u>	<u>\$118,000.00</u>	<u>\$154,500.00</u>

<sup>a</sup> Including \$165,000 reappropriated; an additional sum, unspecified of the unexpended balance of the appropriation for 1927 was also reappropriated.

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<b>Local appropriations—Contd.</b>				
<i>Nebraska—Continued</i>				
Summary by purposes				
Support and civilization	\$44,162.47	.....	\$11,000.00	\$1,000.00
Education .....	66,800.00	\$68,100.00	89,000.00	131,500.00
Hospital .....	.....	.....	18,000.00	22,000.00
Other purposes .....	11,600.00	3,000.00	.....	.....
Total .....	\$122,562.47	\$71,100.00	\$118,000.00	\$154,500.00
<i>Nevada</i>				
Gratuities				
Support and civilization	\$12,000.00	\$18,500.00	\$17,500.00	.....
Education .....	120,300.00	56,100.00	110,000.00	\$126,875.00
Hospitals .....	.....	.....	10,000.00	38,000.00
General expenses .....	12,000.00	.....	.....	.....
Total .....	\$144,300.00	\$74,600.00	\$137,500.00	\$164,875.00
Reimbursable — Irrigation and water supply....	.....	.....	\$17,400.00	\$25,825.00
Tribal funds — Support and civilization .....	.....	.....	\$25,500.00	\$21,900.00
Grand total .....	\$144,300.00	\$74,600.00	\$180,400.00	\$212,600.00
Summary by purposes				
Support and civilization	\$12,000.00	\$18,500.00	\$43,000.00	\$21,900.00
Education .....	120,300.00	56,100.00	110,000.00	126,875.00
Hospitals .....	.....	.....	10,000.00	38,000.00
Irrigation and water supply .....	.....	.....	17,400.00	25,825.00
General expenses .....	12,000.00	.....	.....	.....
Total .....	\$144,300.00	\$74,600.00	\$180,400.00	\$212,600.00
<i>New Mexico</i>				
Gratuities				
Support and civilization	0	P	\$138,000.00	.....
Education .....	\$113,900.00	\$125,400.00	246,000.00	\$530,375.00
Irrigation and water supply .....	.....	.....	10,000.00	10,500.00
Hospitals .....	.....	.....	37,000.00	48,000.00
Other purposes .....	6,300.00	3,000.00	3,000.00	3,300.00
Total .....	\$120,200.00	\$128,400.00	\$434,000.00	\$502,175.00
Reimbursable				
Irrigation and water supply .....	.....	.....	\$29,500.00	\$382,500.00
Roads and bridges.....	.....	.....	15,000.00	.....
Other purposes .....	.....	.....	4,000.00	.....
Total .....	.....	.....	\$48,500.00	\$382,500.00
Tribal funds — Support and civilization .....	.....	.....	\$109,000.00	\$235,000.00
Grand total .....	\$120,200.00	\$128,400.00	\$591,500.00	\$909,675.00

<sup>a</sup> \$225,000 appropriated for Apaches in New Mexico and Arizona included under Arizona.

<sup>b</sup> \$330,000 appropriated for New Mexico and Arizona included under Arizona.

<sup>c</sup> Appropriations for support and civilization included under Arizona.

<sup>d</sup> Includes also money for Navajo in Arizona.



TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<i>Local appropriations—Contd.</i>				
New Mexico— <i>Continued</i>				
Summary by purposes				
Support and civilization			\$247,000.00	\$235,000.00
Education .....	\$113,900.00	\$125,400.00	246,000.00	530,375.00
Irrigation and water supply .....			39,500.00	93,000.00
Hospitals .....			37,000.00	48,000.00
Roads and bridges.....			15,000.00	
Other purposes .....	6,300.00	3,000.00	7,000.00	3,300.00
Total .....	\$120,200.00	\$128,400.00	\$591,500.00	\$909,675.00
New York				
Treaty stipulations — Annuities .....	\$16,402.50	\$10,500.00	\$10,500.00	\$10,500.00
Gratuities .....	\$1,600.00	\$2,250.00		
Tribal funds — Ascertaining beneficiaries of judgment .....	\$10,000.00			
Grand total .....	\$28,002.50	\$12,750.00	\$10,500.00	\$10,500.00
North Carolina				
Gratuities .....				
Education .....	\$41,050.00	\$38,000.00	\$50,000.00	\$142,125.00
Other purposes .....				7,000.00
Total .....	\$41,050.00	\$38,000.00	\$50,000.00	\$149,125.00
Tribal funds — Support and civilization .....			\$4,000.00	
Grand total .....	\$41,050.00	\$38,000.00	\$54,000.00	\$149,125.00
North Dakota				
Gratuities .....				
Support and civilization	\$23,000.00	\$31,000.00	\$32,800.00	
Education .....	71,000.00	143,200.00	170,125.00	\$187,000.00
Surveying .....	12,000.00			
Hospital .....			10,000.00	11,000.00
Other purposes .....	6,000.00			
Total .....	\$112,000.00	\$174,200.00	\$212,925.00	\$198,000.00
Tribal funds — Support and civilization .....			\$97,000.00	\$64,000.00
Grand total .....	\$112,000.00	\$174,200.00	\$309,925.00	\$262,000.00
Summary by purposes				
Support and civilization	\$23,000.00	\$31,000.00	\$129,800.00	\$64,000.00
Education .....	71,000.00	143,200.00	170,125.00	187,000.00
Surveying .....	12,000.00			
Hospital .....			10,000.00	11,000.00
Other purposes .....	6,000.00			
Total .....	\$112,000.00	\$174,200.00	\$309,925.00	\$262,000.00
Oklahoma, except Five Civilized Tribes				
Treaty stipulations				
Annuities .....	\$44,620.00	\$30,000.00	\$30,000.00	\$30,000.00
Pay of employees.....	7,100.00	7,100.00	7,100.00	9,540.00

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TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations—Contd.				
Oklahoma, except Five Civilized Tribes—Contd.				
Treaty stipulations—Contd.				
Education .....	\$18,131.00	\$11,000.00	\$11,000.00	\$12,000.00
Other purposes .....	500.00	500.00	500.00	500.00
Total .....	\$18,631.00	\$11,500.00	\$11,500.00	\$12,500.00
Gratuities				
Support and civilization	\$310,500.00	\$51,500.00	\$15,100.00	.....
Education .....	159,400.00	90,500.00	108,000.00	\$175,000.00
Hospitals .....	.....	.....	10,000.00	53,000.00
Pay of employees.....	8,100.00	4,460.00	.....	.....
Other purposes .....	3,875.00	.....	.....	.....
Total .....	\$481,875.00	\$146,460.00	\$133,100.00	\$228,000.00
Reimbursable				
Drainage .....	.....	\$40,000.00	.....	.....
Attorneys' fees .....	\$43,332.93	.....	.....	.....
Administration .....	.....	.....	.....	15,000.00
Total .....	\$43,332.93	\$40,000.00	.....	\$15,000.00
Tribal funds				
Support and civilization	.....	\$275,000.00	\$330,470.00	\$187,700.00
Education, Osage .....	.....	.....	45,000.00	8,000.00
Expenses, etc., Osage	.....	.....	165,000.00	247,000.00
Agency and Council..	.....	.....	.....	.....
Hospitals .....	.....	40,000.00	.....	.....
Total .....	.....	\$115,000.00	\$540,470.00	\$442,700.00
Grand total .....	\$595,558.93	\$550,060.00	\$722,170.00	\$737,740.00
Summary by purposes				
Annuities .....	\$44,620.00	\$30,000.00	\$30,000.00	\$30,000.00
Pay of employees.....	15,200.00	11,560.00	7,100.00	9,540.00
Support and civilization	310,500.00	326,500.00	345,570.00	187,700.00
Education .....	177,531.00	101,500.00	104,000.00	195,000.00
Hospitals .....	.....	40,000.00	10,000.00	53,000.00
Drainage .....	.....	40,000.00	.....	.....
Attorneys' fees .....	43,332.93	.....	.....	.....
Expenses, Osage Agency	.....	.....	165,000.00	247,000.00
and Council .....	.....	.....	.....	.....
Administration .....	.....	.....	.....	15,000.00
Other purposes .....	4,375.00	500.00	500.00	500.00
Total .....	\$595,558.93	\$550,060.00	\$722,170.00	\$737,740.00
Oklahoma — Five Civilized Tribes				
Treaty stipulations				
Annuities .....	\$40,112.89	\$3,600.00	\$3,600.00	\$3,600.00
Pay of employees.....	600.00	600.00	600.00	600.00
Education .....	8,500.00	6,000.00	6,000.00	6,000.00
Commutation of annuity	999,368.00	.....	.....	.....
Other purposes .....	320.00	320.00	320.00	320.00
Total .....	\$1,048,900.89	\$10,520.00	\$10,520.00	\$10,520.00
Gratuities				
Education .....	.....	\$300,000.00	\$203,000.00	\$301,500.00
Administration .....	.....	200,000.00	180,000.00	.....

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1924
<b>Local appropriations—Contd.</b>				
Oklahoma — Five Civilized Tribes—Continued				
Gratuities—Continued				
Probate attorneys .....			\$50,000.00	\$37,000.00
Hospital .....	\$20,500.00		35,000.00	40,000.00
District agents .....		\$15,000.00		
Commission to the Five Tribes .....	100,000.00			
Survey of town sites...	50,000.00			
Removing intruders ....	160,000.00			
Total .....	\$330,500.00	\$515,000.00	\$468,000.00	\$378,500.00
Reimbursable — Sale of lands .....		\$30,000.00		
Tribal funds				
Classification and sale of land .....		\$50,000.00		\$6,000.00
Expenses of per capita payments and sale of land .....			\$13,000.00	5,000.00
Total .....		\$50,000.00	\$13,000.00	\$11,000.00
Grand total .....	\$1,379,400.89	\$605,520.00	\$491,520.00	\$400,020.00
<b>Summary by purposes ..</b>				
Annuities .....	\$40,112.89	\$3,600.00	\$3,600.00	\$3,600.00
Pay of employees.....	600.00	600.00	600.00	600.00
Education .....	8,500.00	306,000.00	209,000.00	307,500.00
Hospital .....	20,500.00		35,000.00	40,000.00
Commutation of annuity .....	999,368.00			
Administration .....		200,000.00	180,000.00	
Probate attorneys ....			50,000.00	37,000.00
District agents .....		15,000.00		
Commission to the Five Civilized Tribes .....	100,000.00			
Survey of town sites....	50,000.00			
Removing intruders ....	160,000.00			
Classification and sale of land .....		80,000.00	13,000.00	11,000.00
Other purposes .....	320.00	320.00	320.00	320.00
Total .....	\$1,379,400.89	\$605,520.00	\$491,520.00	\$400,020.00
<b>Oregon</b>				
Treaty stipulations				
Support and civilization				
Education .....	\$3,000.00			
Payment for land *....		\$66,000.00		
Total .....	\$3,000.00	\$66,000.00		
Gratuities				
Support and civilization	\$15,000.00	\$17,000.00	\$2,400.00	
Education .....	129,650.00	117,000.00	210,000.00	\$272,500.00
Bridge .....	13,900.00	15,000.00		
Other purposes .....				
Total .....	\$158,550.00	\$149,000.00	\$212,400.00	\$272,500.00

\* Payment for lands ceded in unratified treaties made in 1851.

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TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<b>Local appropriations—<i>Contd.</i></b>				
<i>Oregon—Continued</i>				
Reimbursable				
Support and civilization	.....	.....	\$3,800.00	.....
Irrigation and water supply	.....	\$50,000.00	.....	.....
Total	.....	\$50,000.00	\$3,800.00	.....
Tribal funds				
Support and civilization	.....	.....	\$92,800.00	\$203,800.00
Irrigation and water supply	.....	.....	8,600.00	6,000.00
Total	.....	.....	\$101,400.00	\$209,800.00
Grand total	\$161,550.00	\$265,000.00	\$317,600.00	\$482,300.00
<b>Summary of purposes</b>				
Support and civilization	\$15,000.00	\$17,000.00	\$99,000.00	\$203,800.00
Education	132,650.00	117,000.00	210,000.00	272,500.00
Irrigation and water supply	.....	50,000.00	8,600.00	6,000.00
Payment for land	.....	66,000.00	.....	.....
Bridge	.....	15,000.00	.....	.....
Other purposes	13,900.00	.....	.....	.....
Total	\$161,550.00	\$265,000.00	\$317,600.00	\$482,300.00
<b>Pennsylvania</b>				
Gratuity—Education (Carlisle School)	\$150,000.00	\$150,500.00	.....	.....
<b>South Dakota</b>				
Treaty stipulations				
Annuities	\$15,000.00	.....	.....	.....
Pay of employees	97,000.00	\$100,000.00	\$107,000.00	\$150,426.00
Support and civilization	890,000.00	350,000.00	273,000.00	214,574.00
Education	225,000.00	200,000.00	200,000.00	250,000.00
Total	\$1,227,000.00	\$650,000.00	\$580,000.00	\$615,000.00
<b>Gratuities</b>				
Support and civilization	.....	\$14,000.00	\$7,500.00	.....
Education	\$218,275.00	180,000.00	222,500.00	280,625.00
Surveying	25,200.00	.....	.....	.....
Hospitals	25,000.00	45,000.00	48,000.00	47,500.00
Other purposes	15,900.00	.....	.....	.....
Total	\$284,375.00	\$239,000.00	\$278,000.00	\$328,125.00
<b>Tribal funds</b>				
Support and civilization	.....	.....	\$115,500.00	\$105,500.00
Purchase of cattle and improvement of allotments	\$143,335.10	.....	.....	.....
Total	\$143,335.10	.....	\$115,500.00	\$105,500.00
Grand total	\$1,654,710.10	\$889,000.00	\$973,500.00	\$1,048,625.00
<b>Summary by purposes</b>				
Annuities	\$15,000.00	.....	.....	.....
Pay of employees	97,000.00	\$100,000.00	\$107,000.00	\$150,426.00
Support and civilization	890,000.00	364,000.00	396,000.00	320,074.00
Education	443,275.00	380,000.00	422,500.00	530,625.00

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<b>Local appropriations—<i>Contd.</i></b>				
<b>South Dakota—<i>Continued</i></b>				
<b>Summary—<i>Continued</i></b>				
Hospitals .....	\$25,000.00	\$45,000.00	\$48,000.00	\$47,500.00
Surveying .....	25,200.00	.....	.....	.....
Purchase of cattle and improvement of allotment .....	143,335.10	.....	.....	.....
Other purposes .....	15,900.00	.....	.....	.....
Total .....	\$1,654,710.10	\$889,000.00	\$973,500.00	\$1,048,625.00
<b>Utah</b>				
<b>Treaty stipulations</b>				
Pay of employees.....	\$23,520.00	\$23,520.00	\$23,520.00	\$31,060.00
Support and civilization	30,000.00	30,000.00	20,260.00	23,760.00
Other purposes .....	220.00	220.00	220.00	220.00
Total .....	\$53,740.00	\$53,740.00	\$60,000.00	\$55,040.00
<b>Gratuities</b>				
Support and civilization	\$4,000.00	\$10,000.00	\$5,800.00	.....
Education .....	13,925.00	.....	.....	.....
Other purposes .....	2,800.00	2,300.00	.....	.....
Total .....	\$20,725.00	\$12,300.00	\$5,800.00	.....
<b>Reimbursable</b>				
Support and civilization	.....	\$100,000.00	.....	.....
Irrigation and water supply .....	.....	75,000.00	.....	16,250.00
Total .....	.....	\$175,000.00	.....	\$16,250.00
<b>Tribal funds</b>				
Support and civilization	.....	.....	\$351,000.00	\$45,100.00
Education .....	.....	.....	6,000.00	6,000.00
Irrigation and water supply .....	.....	.....	100,000.00	.....
Total .....	.....	.....	\$457,000.00	\$51,100.00
Grand total .....	\$74,465.00	\$241,040.00	\$512,800.00	\$122,390.00
<b>Summary by purposes</b>				
Pay of employees.....	\$23,520.00	\$23,520.00	\$23,520.00	\$31,060.00
Support and civilization	34,000.00	140,000.00	383,060.00	68,860.00
Education .....	13,925.00	.....	6,000.00	6,000.00
Irrigation and water supply .....	.....	75,000.00	100,000.00	16,250.00
Other purposes .....	3,020.00	2,520.00	220.00	220.00
Total .....	\$74,465.00	\$241,040.00	\$512,800.00	\$122,390.00
<b>Virginia</b>				
Gratuity — Education (Hampton, Va.) ....	\$20,040.00	.....	.....	.....

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TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—Continued

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
<b>Local appropriations—Contd.</b>				
Washington				
Treaty stipulations				
Support and civilization	\$2,000.00	\$1,000.00	\$1,000.00	\$1,320.00
Other purposes	200.00	.....	.....	.....
Total	\$2,200.00	\$1,000.00	\$1,000.00	\$1,320.00
Gratuities				
Support and civilization	\$17,000.00	\$26,000.00	\$19,800.00	.....
Education	30,000.00	50,000.00	.....	.....
Hospitals	.....	.....	10,000.00	\$75,000.00
Other purposes	20,500.00	.....	.....	.....
Total	\$67,500.00	\$76,000.00	\$29,800.00	\$75,000.00
Reimbursable — Irrigation and water supply....	.....	\$15,000.00	\$293,300.00	\$207,000.00
Tribal funds — Support and civilization	.....	.....	\$60,400.00	\$103,000.00
Grand total	\$69,700.00	\$92,000.00	\$384,500.00	\$386,320.00
<b>Summary by purposes</b>				
Support and civilization	\$10,000.00	\$27,000.00	\$81,200.00	\$104,320.00
Education	30,000.00	50,000.00	.....	.....
Hospitals	.....	.....	10,000.00	75,000.00
Irrigation and water supply	.....	15,000.00	293,300.00	207,000.00
Other purposes	20,700.00	.....	.....	.....
Total	\$69,700.00	\$92,000.00	\$384,500.00	\$386,320.00
<b>Wisconsin</b>				
Treaty stipulations Pur- chase of land.....	.....	.....	\$10,000.00	\$10,000.00
Gratuities				
Support and civilization	\$7,000.00	\$14,000.00	\$12,800.00	.....
Education	48,850.00	110,120.00	120,750.00	\$128,625.00
Removal	12,000.00	.....	.....	.....
Other purposes	1,800.00	.....	.....	.....
Total	\$69,650.00	\$124,120.00	\$142,550.00	\$128,625.00
Tribal funds — Support and civilization	.....	.....	\$38,000.00	\$36,200.00
Grand total	\$69,650.00	\$124,120.00	\$180,550.00	\$174,825.00
<b>Summary by purposes</b>				
Support and civilization	\$7,000.00	\$14,000.00	\$50,800.00	\$36,200.00
Education	48,850.00	110,120.00	120,750.00	128,625.00
Removal	12,000.00	.....	.....	.....
Purchase of land.....	.....	.....	10,000.00	10,000.00
Other purposes	1,800.00	.....	.....	.....
Total	\$69,650.00	\$124,120.00	\$180,550.00	\$174,825.00

TABLE 3  
GENERAL AND LOCAL APPROPRIATIONS—*Continued*

Classes and purposes	Fiscal years			
	1903	1913	1923	1928
Local appropriations— <i>Contd.</i>				
Wyoming				
Treaty stipulations				
Pay of employees .....	\$6,000.00	\$6,000.00	\$5,000.00	\$7,240.00
Support and civilization	10,000.00	.....	.....	.....
Total .....	\$16,000.00	\$6,000.00	\$5,000.00	\$7,240.00
Gratuities				
Support and civilization	\$25,000.00	\$12,000.00	.....	.....
Education .....	35,125.00	35,025.00	\$24,000.00	.....
Other purposes .....	2,500.00	.....	.....	.....
Total .....	\$62,625.00	\$47,025.00	\$24,000.00	.....
Reimbursable				
Irrigation and water supply .....	.....	\$60,000.00	\$100,000.00	\$40,000.00
Roads and bridges ....	.....	.....	15,000.00	.....
Total .....	.....	\$60,000.00	\$115,000.00	\$40,000.00
Tribal funds — Support and civilization .....	.....	.....	\$64,000.00	\$80,000.00
Grand total .....	\$78,625.00	\$113,025.00	\$208,000.00	\$127,240.00
Summary by purposes				
Pay of employees.....	\$6,000.00	\$6,000.00	\$5,000.00	\$7,240.00
Support and civilization	35,000.00	12,000.00	64,000.00	80,000.00
Education .....	35,125.00	35,025.00	24,000.00	.....
Irrigation and water supply .....	.....	60,000.00	100,000.00	40,000.00
Roads and bridges.....	.....	.....	15,000.00	.....
Other purposes .....	2,500.00	.....	.....	.....
Total .....	\$78,625.00	\$113,025.00	\$208,000.00	\$127,240.00

**Expenditures, by Object.** Table 4 shows expenditures and obligations by objects on account of appropriations for the fiscal year 1926 as shown by the detailed statements accompanying the budget for the fiscal years 1927 and 1928, the classification being that prescribed by the Comptroller General for all government accounts. The figures are not final, as it is likely that all the accounts for the fiscal year 1926 had not been closed when the budget statements were prepared. They are approximately correct, and represent the relative importance of the several objects of expenditure. No final statement is published.

In this table the tribal funds are divided into those which were expended under annual appropriations and those expended under permanent indefinite appropriations.

TABLE 4  
EXPENDITURES, FISCAL YEAR 1946, BY OBJECTS OF EXPENDITURE

Objects	Gratuity	Reimbursable	Treaty stipulations	Tribal funds		Total
				Appropriated annually	Disbursed under permanent indefinite appropriations	
Personal Services						
Physicians *	\$274,105.50	\$525.00	\$40,535.00	\$31,755.00	\$32,810.00	\$339,720.50
Nurses *	151,819.00	.....	9,480.00	36,960.00	17,415.00	215,674.00
Dentists *	15,020.00	.....	.....	2,100.00	.....	15,120.00
Teachers *	759,237.75	.....	73,725.00	2,760.00	88,840.00	924,562.75
Other regular employees *	3,491,712.24	435,533.36	291,033.89	6,681,770.71	351,050.00	5,128,400.20
Miscellaneous and temporary labor	84,154.71	383,465.16	20,062.17	213,532.59	336,764.09	1,044,066.44
Total	4,624,079.20	819,523.52	441,726.06	955,278.00	826,930.00	7,667,485.87
Deduction on account of quarters, fuel and light...	382,173.30	18,666.00	96,935.00	75,079.00	48,580.00	621,353.30
Net cash	4,241,905.90	800,857.52	344,791.06	880,199.00	778,209.00	7,046,132.57
Supplies and material						
Stationery and office supplies	37,758.60	238.72	209.66	1,370.61	1,635.19	41,212.78
Medical and hospital supplies	54,431.99	130.62	5,005.05	24,402.40	3,138.04	87,768.00
Scientific and educational supplies	47,153.06	118.81	4,298.05	907.93	6,334.45	58,412.30
Fuel	351,305.87	50,404.37	29,132.04	90,706.33	32,486.70	504,115.30
Wearing apparel and living supplies	416,730.94	.....	35,783.51	7,692.96	30,669.53	463,517.40
Forage and other supplies for animals	101,711.20	12,508.31	4,049.08	49,077.96	18,515.88	186,108.35
Provisions	790,633.94	27,188.56	95,802.02	111,068.86	109,102.88	1,134,324.23
Sturdy supplies	141,630.42	46,750.27	12,647.27	34,299.17	27,190.20	264,517.33
Total	1,951,345.02	139,428.68	187,228.18	311,193.67	232,418.08	2,821,613.52
Telegraph and telephone	17,075.46	1,797.95	439.77	6,218.20	4,105.12	30,446.51
Travel expenses	189,817.08	21,250.42	4,218.58	33,449.35	14,273.51	263,131.94
Transportation of things	559,595.13	40,933.08	37,709.47	29,806.46	20,846.88	688,681.02
Printing and binding, engraving, lithographing and photographing	974.35	1,732.76	168.56	1,590.43	1,484.08	5,949.98

\* Deductions are made from these salaries for quarters, fuel, and light, but the deductions for each class are not segregated and are included in the total deductions.



## EXPENDITURES, FISCAL YEAR 1926, BY OBJECTS OF EXPENDITURE—Continued

Objects	Grants	Reimbursable	Treaty stipulations	Tribal funds		Total
				Appropriated annually	Disbursed under permanent indefinite appropriations	
Advertising .....	\$630.79	\$917.63	.....	\$1,117.68	\$4,142.98	\$6,819.07
Furnishing of heat, light, power, water, and electricity .....	106,432.44	6,383.65	\$1,421.05	10,174.81	11,775.07	136,207.94
Rent .....	48,186.93	14,276.62	41.75	9,310.27	4,733.56	76,549.13
Repairs and alterations .....	671,777.51	56,114.20	25,255.33	100,769.67	123,455.31	977,372.31
Miscellaneous .....	46,012.86	50,800.79	2,460.26	15,391.13	473,101.11	583,757.18
Tuition in schools not operated by the Indian Service .....	455,548.22	.....	104,792.59	39,108.59	125,700.52	725,149.32
Burial expenses .....	5,545.95	.....	.....	4,167.10	268.33	9,981.38
Equipment .....	28,262.68	8,531.41	3,225.69	26,874.85	14,052.75	81,551.32
Passenger carrying vehicles .....	166,985.69	4,247.52	10,821.74	19,650.72	22,028.71	208,944.96
Furniture, furnishings and fixtures .....	17,224.30	613.66	3,320.13	802.26	5,551.66	24,602.22
Educational, scientific and recreational equipment .....	13,827.14	50,121.49	3,402.00	44,119.63	13,948.99	121,228.35
Live stock (other than purchased for slaughter) .....	117,959.84	89,495.29	9,042.63	34,901.99	137,122.61	383,122.35
Other equipment .....	.....	.....	.....	.....	.....	.....
Total .....	338,766.85	133,009.31	26,712.09	125,313.76	193,743.79	827,548.80
Purchase of land and interest in land .....	53,595.00	3,800.00	.....	2,000.00	.....	57,415.00
Structures and parts and nonstructural improvements to land .....	349,266.88	169,308.35	74,232.20	73,257.20	128,613.56	794,678.14
Outstanding obligations not classified .....	39,180.71	.....	950.55	.....	.....	40,131.26
Total operating expenses .....	9,022,981.67	1,469,650.05	856,145.43	1,641,087.54	2,116,900.99	13,106,765.65
Per capita payments .....	.....	.....	46,362.26	149,988.00	33,204,595.67	33,480,945.93
Total expenditures .....	\$9,022,981.67	\$1,469,650.05	\$902,507.69	\$1,791,075.52	\$35,321,496.66	\$48,307,711.59

**Per Capita Payments.** In Table 5 are shown the per capita payments to Indians during the fiscal year 1926. All the per capita payments are from tribal funds except three which are indicated by footnotes; they are also all made in pursuance of permanent indefinite appropriation except four which are appropriated annually and are indicated by footnotes.

The per capita payments in this table do not include money paid from the proceeds of individual property, but comprise only the division of tribal property. Figures on individual Indian money are given on page 315.

TABLE 5

## PER CAPITA PAYMENTS, FISCAL YEAR, 1926

Arizona—Various tribes .....	\$63,645.11
Colorado	
Southern Ute .....	23,683.20
Ute Mountain .....	270.65
	<u>23,953.85</u>
Idaho—Nez Perce .....	90.00
Iowa—Sac and Fox.....	14,370.73
Kansas—Potawatonic .....	13,023.79
Minnesota—Consolidated Chippewa and Red Lake superintendencies .....	949,073.27
Montana	
Crow .....	114,920.00
Flathead .....	190,250.00
Fort Peck .....	275,480.00
	<u>580,650.00</u>
Nebraska	
Omaha .....	369,465.02
Winnebagoes .....	2,411.45
	<u>371,876.47</u>
New Mexico—Various tribes.....	19,860.00
New York—Six Nations.....	*19,809.15
North Dakota	
Fort Berthold .....	12,594.95
Standing Rock .....	8,775.28
	<u>21,370.23</u>

\* \$7,362.26 paid from funds of the United States by annual appropriation for fulfilling

TABLE 5

PER CAPITA PAYMENTS—*Continued*

Oklahoma	
Apache, Kiowa, and Comanche.....	<sup>b</sup> 196,124.70
Kansas .....	508.32
Pawnee .....	<sup>c</sup> 30,110.91
Osage .....	30,177,236.09
Choctaw .....	112,837.50
Chickasaw .....	17,254.32
	<hr/>
	30,534,071.84
Oregon	
Klamath, Modoc, etc.....	590,021.63
Umatilla .....	4,647.25
	<hr/>
	594,668.88
South Dakota	
Cheyenne River .....	32,808.88
Crow Creek .....	4,130.10
Lower Brule .....	764.34
Pine Ridge .....	36,854.41
Rosebud .....	46,788.20
	<hr/>
	121,345.93
Utah—Confederated Utes .....	<hr/>
	34,367.60
Washington	
Columbia and Colville.....	150.00
Yakima .....	22,063.11
	<hr/>
	22,213.11
Wisconsin	
St. Croix .....	<sup>d</sup> 9,000.00
Menominee .....	105,991.87
Oneidas .....	20,450.56
Winnebago .....	1,817.78
	<hr/>
	137,260.21
Wyoming—Shoshone and Arapaho.....	<hr/>
	47,525.00
Grand Total .....	<hr/>
	\$33,569,175.17

<sup>b</sup> \$149,988 paid by reason of annual appropriation.<sup>c</sup> \$30,000 paid from funds of the United States by annual appropriation for fulfilling treaty stipulations.<sup>d</sup> Paid from funds of the United States by annual appropriation for fulfilling treaty stipulations.

## APPENDIX 7

### BIBLIOGRAPHY<sup>1</sup>

#### EXPLANATORY NOTE

The bibliographies appended to the several monographs aim to list only those works which deal directly with the services to which they relate, their history, activities, organization, methods of business, problems, etc. They are intended primarily to meet the needs of those persons who desire to make a further study of the services from an administrative standpoint. They thus do not include the titles of publications of the services themselves, except in so far as they treat of the services, their work and problems. Nor do they include books or articles dealing merely with technical features other than administrative of the work of the services. In a few cases explanatory notes have been appended where it was thought they would aid in making known the character or value of the publication to which they relate.

After the completion of the series the bibliographies may be assembled and separately published as a bibliography of the Administrative Branch of the National Government.

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<sup>1</sup> Compiled by Sophy H. Powell.

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